

SECTION 251. Section 1 of chapter 211A of the General Laws, as so appearing, is hereby amended by striking out, in line 3, the word "thirteen", and inserting in place thereof the following word:- twenty-one.

SECTION 252. Said section 1 of said chapter 211A is hereby further amended by striking out the word "twenty-one", inserted by section 251 of this act, and inserting in place thereof the following word:- twenty-four.

SECTION 253. Section 1 of chapter 211B of the General Laws, as appearing in the 1998 Official Edition, is hereby amended by striking out the second sentence and inserting in place thereof the following sentence:- The trial court, as an administrative unit, shall consist of no more than 372 justices and special justices.

SECTION 254. Section 2 of said chapter 211B, as so appearing, is hereby amended by striking out the first sentence and inserting in place thereof the following sentence:- There shall be 80 justices appointed to the superior court department, 10 justices appointed to the housing court department, 4 justices appointed to the land court department, 51 justices appointed to the probate and family court department, 11 justices appointed to the Boston municipal court department, 41 justices appointed to the juvenile court department and 175 justices and special justices appointed to the district court department.

SECTION 255. Section 3C of chapter 217 of the General Laws, as so appearing, is hereby amended by striking out, in line 1, the word "nine" and inserting in place thereof the following figure:- 11.

SECTION 256. Chapter 217 of the General Laws is hereby amended by striking out section 23A, as amended by section 166 of chapter 127 of the acts of 1999, and inserting in place thereof the following section:-

Section 23A. In addition to the first assistant registers of probate provided for in section 23, the first justices of the respective courts of the probate and family court department for the following counties may, with the approval of the chief justice of the probate and family court appoint, and may, with the approval of said chief justice, remove assistant registers with the same powers and duties. Said appointments shall be as follows:

- Barnstable, 4 assistant registers
- Berkshire, 1 assistant register
- Bristol, 8 assistant registers
- Essex, 5 assistant registers
- Franklin, 1 assistant register
- Hampden, 3 assistant registers
- Hampshire, 1 assistant register
- Middlesex, 8 assistant registers
- Norfolk, 5 assistant registers
- Plymouth, 5 assistant registers
- Suffolk, 6 assistant registers
- Worcester, 7 assistant registers.

SECTION 257. Said chapter 217 is hereby further amended by striking out section 23B, inserted by section 167 of said chapter 127, and inserting in place thereof the following section:-

Section 23B. The registers of probate of the respective courts of the probate and family court department for the following counties may, subject to the approval of the chief justice for

administration and management as to compliance with personnel standards promulgated pursuant to section 8 of chapter 211B, appoint one or more administrative deputy assistants; provided, however that such administrative deputy assistants may be removed at the pleasure of said registers of probate. Said administrative deputy assistants shall meet the definition of both confidential and managerial employees as those terms appear in chapter 150E and shall perform no official judicial duties. Said appointments shall be as follows:

Barnstable, one administrative deputy assistant.

Essex, one administrative deputy assistant.

Franklin, one administrative deputy assistant.

Hampshire, one administrative deputy assistant.

Suffolk, two administrative deputy assistants.

Worcester, one administrative deputy assistant.

SECTION 258. Section 28 of said chapter 217, as appearing in the 1998 Official Edition, is hereby amended by striking out the second sentence and inserting in place thereof the following sentence:-

Subject to the approval of said first justice, the register of probate may designate five employees as deputy assistant registers with the same powers as assistant registers and may revoke any such designation at his pleasure.

SECTION 259. Section 29 of said chapter 217, as so appearing, is hereby amended by striking out, in line 8, the word "two" and inserting in place thereof the following word:- six.

SECTION 260. Said section 29 of said chapter 217, as so appearing, is hereby further amended by striking out, in line 11, the words "of six thousand dollars" and inserting in place thereof the following words:- in an amount equal to 15 per cent of the annual salary of the Middlesex county register of probate.

SECTION 261. Section 29C of said chapter 217 is hereby further amended by striking out the first sentence, as amended by section 169 of chapter 127 of the acts of 1999, and inserting in place thereof the following sentence:- The first justice of the Barnstable probate court may, with the approval of the chief justice of the probate court, designate three employees as deputy assistant registers with the same powers as an assistant register and may revoke any such designation at his pleasure.

SECTION 262. Section 29E of said chapter 217 is hereby further amended by striking out the first sentence, as most recently amended by section 170 of chapter 127 of the acts of 1999, and inserting in place thereof the following sentence:- The first justice of the Hampden probate court may, with the approval of the chief justice of the probate court, designate six employees of the deputy assistant registers with the same powers as an assistant register and may revoke any such designation at his pleasure. Said deputy assistant registers shall receive a salary of \$6,000.

SECTION 263. Section 29F of said chapter 217 is hereby further amended by striking out the first sentence, as amended by section 171 of chapter 127 of the acts of 1999, and inserting in place thereof the following sentence:- The first justice of the Worcester probate court may, with the approval of the chief justice of the probate court, designate three employees as deputy assistant registers with the same powers as an assistant register and may revoke any such designation at his pleasure.

SECTION 264. Section 29H of said chapter 217, as appearing in the 1998 Official Edition, is hereby amended by striking out, in line 2, the word "two" and inserting in place thereof the following word:- three.

SECTION 265. Section 6 of chapter 218 of the General Laws, as so appearing, is hereby amended by inserting after the word "Brockton", in line 3, the following words:- , the district court of Chicopee.

SECTION 266. Said section 6 of said chapter 218, as so appearing, is hereby further amended by striking out, in line 8, the word "and",- and by striking out, in line 10, the words ", district court of Springfield",- and by inserting after the word "each", in line 12, the following words:- ; and the district court of Springfield shall have four justices.

SECTION 267. Said section 6 of said chapter 218, as so appearing, is hereby further amended by striking out, in line 26, the figure "172" and inserting in place thereof the following figure:- 175.

SECTION 268. Said chapter 218 is hereby further amended by striking out section 10, as amended by section 174 of chapter 127 of the acts of 1999, and inserting in place thereof the following section:-

Section 10. The clerk of a district court may, subject to the approval of the chief justice for administration and management as to compliance with personnel standards promulgated pursuant to section 8 of chapter 211B, appoint one or more assistant clerks for whose official acts the clerk shall be responsible, who shall be paid by him unless salaries payable by the commonwealth are authorized in this section or in section 53. In courts having one or more assistant clerks, the clerk may designate one as the first assistant clerk. An assistant clerk with salaries payable by the commonwealth may be appointed in courts the judicial districts of which have, according to the national census last preceding, a population of 60,000 or more, and in the following districts:

- district court of Greenfield;
- district court of southern Berkshire;
- district court of northern Berkshire;
- district court of eastern Essex;
- third district court of Essex;
- district court of Franklin;
- district court of eastern Franklin at Orange;
- district court of eastern Hampden;
- district court of western Hampden;
- district court of eastern Hampshire;
- district court of Marlborough;
- first district court of eastern Worcester;
- second district court of southern Worcester.

Two assistant clerks with salaries payable by the commonwealth may be appointed in:

- district court of Chicopee;
- second district court of Barnstable;
- third district court of Barnstable;
- district court of central Berkshire;
- district court of Natick;
- district court of Holyoke;
- district court of central Middlesex;
- first district court of northern Middlesex;
- first district court of northern Worcester;
- second district court of eastern Worcester.

Three assistant clerks with salaries payable by the commonwealth may be appointed in:

- district court of Peabody;
- fourth district court of Bristol;
- district court of Fitchburg;
- first district court of southern Worcester;
- district court of western Worcester;
- district court of Leominster;
- first district court of Barnstable;
- district court of Hampshire;
- second district court of eastern Middlesex;
- district court of Newton;
- district court of Southern Norfolk;
- municipal court of Brookline.

Four assistant clerks with salaries payable by the commonwealth may be appointed in:

- municipal court of the Brighton district;
- East Boston district court;
- municipal court of the South Boston district;
- municipal court of the Charlestown district;
- fourth district court of eastern Middlesex;
- district court of northern Norfolk;
- third district court of Plymouth;
- district court of western Norfolk.

Five assistant clerks with salaries payable by the commonwealth may be appointed in:

- second district court of Plymouth;
- district court of Newburyport;
- first district court of eastern Middlesex;
- central district court of northern Essex;
- first district court of Bristol;
- district court of southern Essex;
- district court of Lawrence;
- third district court of Bristol.

Six assistant clerks with salaries payable by the commonwealth may be appointed in:

- second district court of Bristol;
- district court of Lowell;
- district court of Somerville;
- first district court of Essex;
- first district court of southern Middlesex.

Seven assistant clerks with salaries payable by the commonwealth may be appointed in:

- fourth district court of Plymouth;
- district court of Chelsea.

Eight assistant clerks with salaries payable by the commonwealth may be appointed in:

- municipal court of the Dorchester district;
- district court of Brockton;
- district court of West Roxbury district;
- district court of East Norfolk.

Nine assistant clerks with salaries payable by the commonwealth may be appointed in:

central district court of Worcester.

Ten assistant clerks with salaries payable by the commonwealth may be appointed in:
third district court of eastern Middlesex;
district court of Springfield.

Twelve assistant clerks with salaries payable by the commonwealth may be appointed in:
municipal court of the Roxbury district court.

One of the 12 assistant clerks for the municipal court of the Roxbury district shall be appointed for juvenile sessions.

Assistant clerks who were appointed under authority of this section, who are paid by the commonwealth, and who have held said appointment for three consecutive years prior to the effective date of this act shall hold office during good behavior, but subject to applicable retirement laws, and may be removed from office under procedures authorized by section 8 of chapter 211B.

Each assistant clerk appointed prior to January 1, 1987 under the authority of this section and serving continuously in such appointment thereafter shall be entitled to 30 days vacation leave and 30 days sick leave in each calendar year. Any such assistant clerk may accumulate vacation and sick leave not used in any such year; provided, however, that the total amount of vacation days so accumulated shall not exceed 60 and the total amount of sick leave so accumulated shall not exceed 180 days; and provided, further, that no additional such days shall be accumulated on or after January 1, 1987 except in accordance with the policies and procedures established by the chief justice for administration and management pursuant to section 8 of chapter 211B. All other assistant clerks appointed under the authority of this section shall be entitled to vacation leave and sick leave in accordance with the policies and procedures established by the chief justice for administration and management pursuant to said section 8.

In the following courts, one of the assistant clerks shall be designated in charge of six-person jury sessions and shall be paid by the commonwealth in accordance with the job classification and pay plan established, subject to appropriation, by the chief justice of administration and management:

district court of Chelsea;
third district court of eastern Middlesex;
municipal court of the Dorchester district;
district court of Lowell;
first district court of southern Middlesex at Framingham;
district court of East Norfolk;
central district court of Worcester;
district court of Newburyport;
district court of Springfield;
district court of Brighton;
second district court of Plymouth.

In the district court of western Worcester, the central district court of Worcester, the district of Lowell, the district court of East Norfolk, the district court of Chelsea and the third district court of eastern Middlesex, the clerk may designate one of his assistant clerks as assistant clerk in charge of the remand list; said list being for the trial of all cases transferred to said court from the superior court under the provisions of section 102C of chapter 231. The salary of said assistant clerk shall be paid by the commonwealth in accordance with the job classification and

pay plan established, subject to appropriation by the chief justice for administration and management.

SECTION 269. Section 57 of chapter 218 of the General Laws, as so appearing, is hereby amended by striking out, in line 94, the words "and Peabody divisions" and inserting in place thereof the following word:- division.

SECTION 270. Said section 57 of said chapter 218, as so appearing, is hereby further amended by striking out, in line 98, the words "Salem division" and inserting in place thereof the following words:- Salem and Peabody divisions.

SECTION 271. Section 58 of said chapter 218, as appearing in the 1998 Official Edition, is hereby amended by striking out, in line 3, the word "five" and inserting in place thereof the following word:- six.

SECTION 272. Said section 58 of said chapter 218, as so appearing, is hereby further amended by striking out, in line 6, the word "three" and inserting in place thereof the following word:- four.

SECTION 273. Section 58 of said chapter 218, as so appearing, is hereby amended by striking out, in line 14, the figure "2" and inserting in place thereof the following word:- three.

SECTION 274. Said section 58 of said chapter 218, as so appearing, is hereby further amended by striking out, in line 16, the figure "2" and inserting in place thereof the following word:- three.

SECTION 275. Said section 58 of said chapter 218 is hereby further amended by striking out the fourth paragraph, as amended by section 176 of chapter 127 of the acts of 1999, and inserting in place thereof the following paragraph:-

Each division shall have a clerk, who shall be appointed by the governor, with the advice and consent of the council and who shall hold office during good behavior, subject, however, to retirement under the provisions of any applicable general or special law relative to retirement systems. The Suffolk county division held at Boston shall have a first assistant clerk and said division shall have eleven assistant clerks; the Barnstable county division held at Plymouth shall have a first assistant clerk and said division shall have two assistant clerks; the Bristol county division shall have a first assistant clerk and five assistant clerks; the Franklin and Hampshire counties division shall have an assistant clerk; the Essex county division shall have an assistant clerk; the Berkshire and Hampden counties division held at North Adams shall have an assistant clerk; the Hampden division held at Springfield shall have an assistant clerk; the Middlesex county division shall have a first assistant clerk and seven assistant clerks; the Norfolk county division held at Quincy shall have four assistant clerks; the Plymouth county division shall have a first assistant clerk and two assistant clerks; and the Worcester county division shall have a first assistant clerk and two assistant clerks. Said first assistant clerks and assistant clerks shall be appointed by the clerks of said courts, with all such appointments subject to approval by the chief justice for administration and management with respect to personnel standards promulgated under section 8 of chapter 211B.

SECTION 276. Chapter 221 of the General Laws is hereby amended by striking out section 5, as amended by section 177 of said chapter 127, and inserting in place thereof the following section:-

Section 5. In addition to the assistant clerks provided for in section four, the clerks of the courts for the following counties may, subject to the approval of the chief justice for administration and management as to compliance with personnel standards promulgated pursuant

to section 8 of chapter 211B, appoint assistant clerks with the same powers and duties. Said appointments shall be as follows:

- Barnstable, 2 assistant clerks
- Bristol, 9 assistant clerks
- Essex, 11 assistant clerks
- Hampden, 10 assistant clerks
- Nantucket, 1 assistant clerk
- Norfolk, 9 assistant clerks
- Middlesex, 26 assistant clerks
- Plymouth, 6 assistant clerks
- Worcester, 11 assistant clerks

Suffolk, (a) superior court department, by the clerk of the superior court department for criminal business, 22 assistants; (b) superior court department, by the clerk of the superior court department for civil business, 26 assistants; (c) supreme judicial court, by the clerk of the supreme judicial court for said county, a second assistant clerk, designated from his office force and a third assistant clerk, designated from his office force.

SECTION 277. Section 5 of chapter 221 of the General Laws, as amended by section 177 of the acts of 1999, is hereby further amended by adding the following two paragraphs:-

All other counties having no permanent assistant clerks, assistant clerk pro tempore or for a term of one year.

Assistants pro tempore or for the term of one year appointed under this section shall be paid by the commonwealth.

SECTION 278. Section 86A of chapter 223 of the General Laws, as appearing in the 1998 Official Edition, is hereby amended by striking out, in line 3, the words "housing court of the county of Hampden" and inserting in place thereof the following words:- western division of the housing court department.

SECTION 279. Section 6 of chapter 224 of the General Laws, as so appearing, is hereby amended by striking out, in line 13, the words "housing court of the county of Hampden" and inserting in place thereof the following words:- western division of the housing court department.

SECTION 280. Chapter 231 of the General Laws is hereby amended by inserting after section 85Z, as so appearing, the following section:-

Section 85AA. No person duly registered by the department of state police as a search and rescue volunteer who renders assistance in a search and rescue operation under the direct control and instruction of the department and no other person who volunteers in a search and rescue operation and renders assistance, supervised by and under the direct control and instruction of the department shall be liable in any suit for damages as a result of any acts or omissions committed by such person in the course of a search for a missing person, if such person acts in compliance with the Massachusetts state police search and rescue plan, unless such acts or omissions constitute willful, wanton or reckless conduct.

SECTION 281. Section 111 of said chapter 231, as so appearing, is hereby amended by striking out, in lines 2 and 3, the words "housing court of the county of Hampden" and inserting in place thereof the following words:- western division of the housing court department.

SECTION 282. Section 113 of said chapter 231, as so appearing, is hereby amended by striking out, in lines 2 and 3, the words "housing court of the county of Hampden" and inserting in place thereof the following words:- western division of the housing court department.

SECTION 283. Section 117 of said chapter 231, as so appearing, is hereby amended by striking out, in lines 2 and 3, the words "or the housing court of the county of Hampden" and inserting in place thereof the following words:- , the western division of the housing court department, the northeastern division of the housing court department, the southeastern division of the housing court department or the housing court of the county of Worcester.

SECTION 284. Said section 117 of said chapter 231, as so appearing, is hereby further amended by striking out, in line 10, the words "or housing court of the county of Hampden" and inserting in place thereof the following words:- , the western division of the housing court department, the northeastern division of the housing court department, the southeastern division of the housing court department, or the housing court of the county of Worcester.

SECTION 285. Section 7 of chapter 258C of the General Laws, as so appearing, is hereby amended by striking out, in line 5, the word "treasurer" and inserting in place thereof the following words:- department of the attorney general.

SECTION 286. Said section 7 of said chapter 258C, as so appearing, is hereby further amended by striking out, in line 10, the word "treasurer" and inserting in place thereof the following words:- department of the attorney general.

SECTION 287. Said section 7 of said chapter 258C, as so appearing, is hereby further amended by striking out, in line 11 , the word "treasurer" and inserting in place thereof the following words:- department of the attorney general.

SECTION 288. Section 9 of said chapter 258C, as so appearing, is hereby amended by striking out, in line 25, the words "state treasurer" and inserting in place thereof the following words:- department of the attorney general.

SECTION 289. Said section 9 of said chapter 258C, as so appearing, is hereby further amended by striking out, in line 26, the words "state treasurer" and inserting in place thereof the following words:- department of the attorney general.

SECTION 290. Section 8 of chapter 261 of the General Laws, as so appearing, is hereby amended by striking out, in line 3, the words "housing court of the county of Hampden" and inserting in place thereof the following words:- western division of the housing court department.

SECTION 291. Chapter 262 of the General Laws is hereby amended by striking out section 24, as so appearing, and inserting in place thereof the following section:-

Section 24. The maximum fee to be charged by any person authorized to take bail or release on personal recognizance in the case of a person arrested for any misdemeanor or felony shall be \$35, regardless of the number of offenses.

If the arrested person is being required to recognize for charges at another court, the bail magistrate shall receive an additional \$10 for each separate recognizance but in no event shall the total fee for any release exceed \$50.

SECTION 292. Section 4 of chapter 263 of the General Laws, as so appearing, is hereby amended by striking out, in line 4, the words "housing court of the county of Hampden" and inserting in place thereof the following words:- western division of the housing court department.

SECTION 293. Section 8A of said chapter 263, as so appearing, is hereby amended by striking out, in lines 2 and 3, the words "housing court of the county of Hampden" and inserting in place thereof the following words:- western division of the housing court department.

SECTION 294. Section 57 of chapter 276 of the General Laws, as appearing in the 1998 Official Edition, is hereby amended i by inserting after the second sentence the following

sentence:- Any person authorized to take bail shall accept, if offered, cash or a certified bank check drawn on a financial institution as defined in section 1 of chapter 63.

SECTION 295. Chapter 645 of the acts of 1948 is hereby repealed.

SECTION 296. The first paragraph of chapter 700 of the acts of 1972 is hereby amended by inserting after the words "sanitary landfill site", inserted by chapter 783 of the acts of 1975, the following words:- or other solid waste facility.

SECTION 297. Said chapter 700 is hereby further amended by striking out the last paragraph, as amended by said chapter 783, and inserting in place thereof the following paragraph:-

This conveyance shall be subject to a provision that title to the aforesaid premises shall revert to the commonwealth if the property is ever used for purposes other than a sanitary landfill or other solid waste facility.

SECTION 298. Said chapter 700, as amended by said chapter 783, is hereby further amended by adding the following paragraph:-

The trustees of the Taunton state hospital shall execute and deliver to the town of Raynham an amended deed that conforms to this act.

SECTION 299. Subparagraph (i) of paragraph (a) of subsection (1) of section 4A of chapter 1078 of the acts of 1973, as appearing in section 1 of chapter 589 of the acts of 1987, is hereby amended by inserting after the word "AFL-CIO", in line 11, the words ", the Massachusetts Coalition of Police, IUPA, AFL-CIO and Boston Police Patrolmen's Association, AFL-CIO".

SECTION 300. Sections 1 to 13, inclusive, of chapter 73 of the acts of 1980 are hereby repealed.

SECTION 301. Section 9 of chapter 372 of the acts of 1984 is hereby amended by striking out subsection (c), as amended by section 254 of chapter 194 of the acts of 1998, and inserting in place thereof the following subsection:-

(c) The Authority shall notify the commissioner of capital asset management and maintenance that it seeks to relinquish any portion of the system of real property under its operational management, control and jurisdiction pursuant to paragraphs (b) and (c) of section 4, when it determines that: (i) such property or interest in property is no longer needed for the construction, maintenance or operation of the sewer and waterworks systems; and (ii) such disposition shall not impair the maintenance and operation of said systems. The commissioner may refuse to accept any such property if he determines that accepting title to the property in the name of the commonwealth will, because of environmental contamination on the property, be detrimental to the commonwealth and its taxpayers. Any such determination shall be made in writing. Upon accepting property from the authority, the commissioner shall proceed in accordance with section 40F of chapter 7 of the General Laws.

SECTION 302. Section 8 of chapter 324 of the acts of 1987, as amended by section 6 of chapter 528 of the acts of 1990, is hereby further amended by striking out the words "July first, two thousand" and inserting in place thereof the following words:- July 1, 2010.

SECTION 303. Chapter 138 of the acts of 1992 is hereby amended by inserting after section 15 the following section:-

Section 15A. Notwithstanding the provisions of sections 40E to 40J of chapter 7 of the General Laws or any other special or general law to the contrary, including, but not limited to, the provisions of section 301 of chapter 60 of the acts of 1994, (i) the corporation established by section 14 is hereby authorized to enter into one or more leases for terms of up to 30 years with

the developer designated pursuant to the provisions of said section 301 to develop the Boston state hospital site for facilities to be used by the university of Massachusetts medical school biologics laboratory, and (ii) said university is authorized to enter into one or more leases for terms of up to 30 years with the corporation for the use of said facilities. The terms of any such leases shall be no less favorable between the developer and the corporation and between the corporation and the university as the terms of comparable leases or comparable facilities in the city of Boston as determined by the commissioner of the division of capital asset management and maintenance established pursuant to chapter 7 of the General Laws. Prior to the execution of any such lease, the developer and the citizens advisory committee for the redevelopment of the Boston state hospital site shall negotiate and approve a community benefits package that is consistent with the Boston state hospital recommended development guidelines adopted May 4, 1993. Such community benefits package shall be incorporated into any Land Disposition Agreement entered into by the developer. Any such leases relative to said site shall be subject to the approval of the secretary of administration and finance. The corporation shall submit any such lease or leases and any subsequent amendments thereto, to said secretary, said commissioner, and the inspector general at least 45 days prior to executing the lease or amendment. Said commissioner and the inspector general shall submit any comments to said secretary within 15 days of receiving any such leases or such amendments from the corporation. Said secretary shall in writing approve or disapprove any such leases or amendments within 40 days of receipt thereof, or it shall be deemed approved. Any lease between the corporation and the Boston state hospital developer shall require that any facility to be leased by the corporation must be satisfactory to the corporation. Any lease between the corporation and said developer of the Boston state hospital site shall require that any land or buildings so leased be acquired by the corporation at the end of the lease term. The university shall annually certify to the secretary and to the house and senate committees on ways and means that lease payments were made from university trust fund revenues available to the medical school and that no appropriated revenues of the commonwealth were utilized to support the costs of leasing said facility at the Boston state hospital site.

Notwithstanding the provisions of section 301 of chapter 60 or sections 40E to 40J, inclusive, of chapter 7 of the General Laws or any other general or special law to the contrary, the commissioner of the division of capital asset management and maintenance is authorized to convey any or all of Lot 3 shown on the Boston state hospital master plan dated December 27, 1995 and prepared for the division of capital planning and operations pursuant to said section 301 to a developer previously selected by the commissioner pursuant to said section 301, and said commissioner with input from the Boston state citizens advisory committee is hereby authorized to renegotiate the terms of said developers' Land Disposition Agreement for the purpose of implementing this section, subject to such terms and conditions as the commissioner deems appropriate, but in no event shall the amount of land transferred be less than the corporation and said university identify as being reasonably necessary to accommodate their current and future needs in this area. Notwithstanding the foregoing, the amount of consideration for the conveyance of any or all of Lot 3 shall be determined in accordance with the provisions of said section 301.

SECTION 304. Section 8A of chapter 300 of the acts of 1992, as amended by section 14 of chapter 4 of the acts of 1995, is hereby further amended by striking out the second sentence.

SECTION 305. Section 9 of chapter 300 of the acts of 1992 is hereby repealed.

SECTION 306. Section 301 of chapter 60 of the acts of 1994 is hereby amended by adding the following subsection:-

(11). Notwithstanding the provisions of sections 40E to 40J, inclusive, of chapter 7 of the General Laws or any other general or special law to the contrary or any provisions of this section to the contrary, the commissioner, with input from the Boston state advisory committee, is hereby authorized to transfer, for consideration, a parcel, of the Boston state hospital to the city of Boston for the purpose of constructing a high school campus; the location of said parcel shall be determined by the commissioner and shall not in any way, either directly or indirectly, limit, impede, prohibit, restrict, or otherwise interfere with the use of Lot 3 for the purpose of a medical school biologics laboratory as provided for in section 1; and provided however, that the location of said parcel and the design of the high school campus shall be consistent with the development of the Boston state hospital site. Said citizens advisory committee for the redevelopment of the Boston state hospital site shall review and approve a community benefits package, prepared by the city of Boston, in consultation with said citizens advisory committee, before such transfer by the commissioner. The consideration to be paid by said city for said parcel shall be based upon the full and fair market value of the property, as determined by independent appraisal, and based upon the purpose of the conveyance authorized herein. The inspector general shall review and approve such an appraisal and said review shall include an examination of the methodology used for such appraisal. Said inspector general shall prepare a report of his review and file said report with said commissioner for submission to the house and senate committees on ways and means and the chairmen of the joint committee on state administration. Said city or its designee shall be responsible for any costs, liabilities and expenses of any nature and kind for the development, maintenance or operation of said parcel. Said commissioner shall 30 days before the execution of any agreement authorized by this subsection, or any subsequent amendment thereof, submit the agreement or amendment and a report thereon to said inspector general for his review and comment. Said inspector general shall issue his review and comment within 15 days of receipt of any agreement or amendment. Said commissioner shall submit the agreement and any subsequent amendments thereof, the reports, and the comments of said inspector general, if any, to the house and senate committees on ways and means and the chairmen of the joint committee on state administration at least 15 days prior to the execution thereof. Ownership of said parcel shall revert to the commonwealth if construction of said high school by the city of Boston has not commenced by July 1, 2005.

SECTION 307. Section 8A of chapter 231 of the acts of 1994 is hereby amended by striking out the words "July 1, 2000", inserted by section 263 of chapter 194 of the acts of 1998, and inserting in place thereof the following words:- July 1, 2002.

SECTION 308. Subsection (b) of section 110 of chapter 5 of the acts of 1995 is hereby amended by striking out the words "provided, however, that the fair market value of any licensed motor vehicle does not exceed five thousand dollars" and inserting in place thereof the following words:- provided, however, that the fair market value of any licensed motor vehicle does not exceed an amount determined by the commissioner in consultation with the secretary of the executive office of transportation and construction and the equity value of any licensed motor vehicle does not exceed \$5,000.

SECTION 309. Section 2 of chapter 22 of the acts of 1995 is hereby amended by striking out the second paragraph and inserting in place thereof the following paragraph:-

The authority may hold title, at any given time, to a maximum of six properties. A property may be comprised of one or more contiguous parcels of land, as shown in the file of the

municipal assessor or board of assessors. The authority shall submit to the house and senate committees on ways and means and the joint committee on commerce and labor an annual report describing the following: properties acquired, response actions conducted, development activities, and income from the sale or lease of said properties.

SECTION 310. Section 341 of chapter 38 of the acts of 1995 is hereby amended by striking out the last sentence, as most recently amended by section 195 of chapter 127 of the acts of 1999, and inserting in place thereof the following sentence:- Said commission shall report its recommendations to the clerks of the house of representatives and the senate on or before June 30, 2001.

SECTION 311. Section 34 of chapter 203 of the acts of 1996 is hereby amended by striking out the words "June thirtieth, two thousand two" and inserting in place thereof the following words:- October 1, 2001.

SECTION 312. Section 1 of chapter 60 of the acts of 1997 is hereby amended by striking out, in line 3, the words "two of whom shall be physicians" and inserting in place thereof the following words:- one of whom shall be a physician.

SECTION 313. Section 73 of chapter 180 of the acts of 1998, as amended by section 11 of chapter 358 of the acts of 1998, is hereby further amended by inserting after the second sentence the following sentence:- Firearm identification cards issued or renewed between July 1, 1999, and June 30, 2000, shall expire as follows: cards issued or renewed in July, August, or September 1999 shall expire on the issuance or renewal date in 2003 and every four years thereafter; cards issued in October, November, or December 1999 shall expire on the issuance or renewal date in 2004 and every four years thereafter; cards issued in January, February, or March 2000 shall expire on the issuance or renewal date in 2005 and every four years thereafter; and cards issued or renewed in April, May, or June 2000 shall expire on the issuance or renewal date in 2006 and every four years thereafter.

SECTION 314. The fourth paragraph of section 388 of chapter 194 of the acts of 1998 is hereby amended by striking out the following words:- The department of public health is hereby prohibited from awarding and proceeding with any such community-based pilot or demonstration program relative to cardiac surgery, including, but not limited to open heart surgery, until the report of the commission has been filed with the clerk of the house of representatives and the clerk of the senate.

SECTION 315. Section 390 of chapter 194 of the acts of 1998, as amended by section 208 of chapter 127 of the acts of 1999, is hereby further amended by striking out the words "June 30, 2000" and inserting in place thereof the following words:- December 30, 2000.

SECTION 316. Item 7066-0011 of section 2A of chapter 55 of the acts of 1999 is hereby amended by striking out the words "provided, that \$290,000 shall be expended for the acquisition of the Rogers Building, so-called, in downtown Fitchburg" and inserting in place thereof the following words:- provided, that \$290,000 shall be expended in fiscal year 2001 by Fitchburg State College for the acquisition of a building in the downtown section of the city of Fitchburg for the establishment of a college arts center.

SECTION 317. Item 7100-0200 in section 2 of chapter 127 of the acts of 1999 is hereby amended by striking out the words "and provided further, that these institutes shall submit a report of their recommendations to the commission no later than February 20, 2000" and inserting in place thereof the following words:- and provided further, that these institutes shall submit a report of their recommendations to the commission no later than December 15, 2000.

SECTION 318. Section 2 of chapter 127 of the acts of 1999 is hereby amended by striking out item 8900-1991 and inserting in place thereof the following item:-

8900-1991	For the expansion of substance abuse treatment programming pursuant to section 35 of chapter 123 of the General Laws for underserved females who are in need of emergency detoxification or treatment for substance abuse and who are awaiting trial; provided, that the amount appropriated herein shall support expenditures associated with site preparation, infrastructure improvement and the acquisition of a housing and substance abuse treatment facility of not less than 60 beds at Massachusetts correctional institution Framingham; provided further, that said 60 beds shall be in addition to beds available for said treatment purposes as of July 1, 1999; provided further, that said funds shall be one-time nonrecurring expenditures which shall be made available for expenditure until June 30, 2001; provided further, that the department shall submit a report to the house and senate committees on ways and means outlining a schedule for the acquisition of said facility and the implementation of treatment programs; provided further, that said report shall include an estimate of the annualized cost of operating said facility; provided further, that said report shall be submitted no later than February 1, 2000; and provided further, that no expenditures shall be made from this item until the comptroller has certified to receipt of the first payment to the commonwealth pursuant to the master settlement agreement in the tobacco action in accordance with section 3 of chapter 29D of the General Laws, as inserted by section 43 of this act
\$5,000,000
Tobacco Settlement Fund 100.0%	

SECTION 319. Section 274 of chapter 127 of the acts of 1999 is hereby amended by striking the last paragraph and inserting in place thereof the following:- The provisions of this section shall expire on June 1, 2001.

SECTION 320. Item 8100-0063 of section 2 of chapter 82 of the acts of 2000 is hereby amended by striking out the words "class of 160" and inserting in place thereof the following words:- class of 180.

SECTION 321. Notwithstanding the provisions of section 27 of chapter 10 of the General Laws, or any other general or special law to the contrary, the canteen manager of the Soldier's Home in Holyoke shall be allowed to sell lottery tickets or shares upon the issuance of a sales agent's license to said Soldier's Home.

SECTION 322. Notwithstanding the provisions of section 9 of chapter 15A of the General Laws or any other general or special law to the contrary, the board of higher education shall not implement any statewide tuition reduction after June 30, 2001.

SECTION 323. Notwithstanding section 30 of chapter 29 of the General Laws or any other general or special law to the contrary, the division of energy resources may procure, in accordance with all applicable procurement and solicitation laws, comprehensive motor vehicle insurance coverage for electric vehicles purchased for use in the commonwealth's electric

vehicle demonstration program. Nothing in this section shall be construed to require any additional state appropriated funds for the division of energy resources. The coverage may continue or be renewed until the conclusion of said vehicle demonstration program.

SECTION 324. Notwithstanding subdivision (4) of section 16 of chapter 32 of the General Laws, as appearing in the 1998 Official Edition, or any other general or special law to the contrary, the contributory retirement appeals board is hereby authorized and directed to grant Mr. Nathan Zoll review of the division of administrative law appeal's decision numbered CR-92-774. The board shall accept such appeal as within its jurisdiction no later than 30 days after the effective date of this act.

SECTION 325. Notwithstanding section 1 of chapter 55A of the General Laws, for all candidates to whom said chapter 55A applies, the election cycle that ends on the thirtieth day following the state election in 2002 shall begin on March 31, 2001.

SECTION 326. Notwithstanding section 2 of chapter 70 of the General Laws or any other general or special law to the contrary, for fiscal year 2001 all wage adjustment factors calculated within the foundation budget appearing below one shall be raised by 25 per cent of the difference between the wage adjustment factor and one.

SECTION 327. Notwithstanding the provisions of chapter 151A of the General Laws, the experience rate of the employer qualifying therefor under subsection (b) of said section 14 of said chapter 151A shall be the rate which appears in the column designated "B" for calendar year 2001.

SECTION 328. Notwithstanding the definition of "Net school spending" in section 2 of chapter 70 of the General Laws, for the purpose of calculating the minimum required local contribution for fiscal year 2001, pursuant to said chapter 70, the department of education shall consider health care costs for retired teachers to be part of net school spending for any municipality in which health care costs for retired teachers were considered to be part of net school spending in fiscal year 1994. The department shall not consider health care costs for retired teachers to be part of net school spending for any district in which such costs were not considered part of net school spending in fiscal year 1994. If there is a conflict between the provisions of this section and the distributions listed in section 3, said section 3 shall control.

SECTION 329. Notwithstanding chapter 70B of the General Laws, the board of education, hereafter referred to as the "board", shall, as funding is available, direct the treasurer to disburse money to the cities, towns and school districts for the school construction projects listed in this section. The total reimbursement to said cities, towns and school districts shall be the total authorization as listed in this section or alternatively the final approved project cost as determined by the board multiplied by the reimbursement rate indicated in this section. The city, town, or school district shall submit whatever documentation may be required by the board to determine the final approved project cost. The total construction grant shall be paid annually in equal parts to be determined by dividing the total grant by the number of years during which indebtedness is incurred for such project.

Priority for payment shall be given in the order of the projects as listed in this section with funding authorization to be established through general appropriation legislation separately for categories one and two.

In addition to the projects listed in this section, the board shall, as funding is available, direct the treasurer to disburse school construction grants to cities, towns and regional school districts for: (i) capital school construction projects which are placed on the school building assistance priority lists, so-called, not later than July 31, 2000; (ii) for capital school construction projects which have received a favorable vote, for design or construction, by the city council and mayor or town meeting not later than December 30, 2000, and for which all necessary application procedures have been completed, in such form as may be required by the board, not later than June 30, 2001 with approval by the board not later than August 30, 2001; and (iii) capital school construction projects in cities, towns and regional school districts which have one or more schools which are racially imbalanced as defined in section 37D of chapter 71 of the General Laws, by virtue of an individual public school report, so-called, on or before October 1, 1999; provided, that said construction projects shall have received a favorable vote, for design or construction, by the city council and mayor or town meeting by July 1, 2000; provided further, that said districts shall be reimbursed for said construction projects at the rate in effect prior to the effective date of this act, as set forth in paragraph three of section 1I of chapter 15 of the General Laws, as appearing in the 1998 Official Edition. Projects shall be placed in order of funding priority by the board in categories one or two in accordance with the provisions in effect prior to the effective date of this act, as set forth in chapter 645 of the acts of 1948, as amended. The total reimbursement for said cities, towns and regional school districts shall be the final approved project cost, as determined by the board, multiplied by the reimbursement rate in effect prior to the effective date of this act, as set forth in said chapter 645. The city, town, or regional school district shall submit whatever documentation may be required by the board to determine the final approved project cost. The total construction grant shall be paid annually in equal parts to be determined by dividing the total grant by the number of years during which any indebtedness is incurred.

Category One Projects

Project Identification	Year One Authorization	Total Authorization	Project Years	Reimbursement Percentage
Medford New Middle School	1,463,443	29,268,860	20	90%
New Bedford New Middle School	2,398,548	47,970,960	20	90%
Lawrence New Mullaney School	2,169,813	43,396,260	20	90%
Lawrence New Wetherbee School	1,256,805	25,136,100	20	90%
Worcester Vocational High School	6,344,263	126,885,260	20	90%
Lawrence New Lorenz School	2,169,813	43,396,260	20	90%
Fall River Spencer-Borden School	1,105,210	22,104,200	20	90%
Medford New Elementary School	2,601,677	52,033,540	20	90%
Fall River Greene Elementary School	1,367,579	27,351,580	20	90%
Springfield New Armory Elementary School	1,951,110	39,022,200	20	90%
Springfield Harris Middle School	1,202,940	24,058,800	20	90%

Springfield Van Sickle Middle High School	3,836,205	76,724,100	20	90%
Lowell New Middle School	1,162,350	23,247,000	20	90%
Salem Federal Elementary School	1,326,735	26,534,700	20	90%
Salem New Elementary School	718,470	14,369,400	20	90%
Salem Witchcraft Elementary School	1,009,292	20,185,840	20	90%

Category Two Projects

Winchester Middle School	1,038,777	20,775,540	20	63%
Hanson Indian Head Middle School	347,960	6,959,200	20	79%
Westfield South Middle School	772,508	15,450,160	20	73%
Wakefield Woodville Elementary School	561,079	11,221,580	20	64%
Millis High School	343,884	6,877,680	20	65%
Everett Parlin Elementary School	852,263	17,045,260	20	60%
Weston Middle School	510,916	10,218,320	20	53%
Athol-Royalston New Middle School	888,727	17,774,540	20	79.66%
Bellingham High School	1,914,260	38,285,200	20	76%
Wilmington New Middle School	2,169,085	21,690,850	10	65%
East Longmeadow Birchland Park Middle School	1,194,094	23,881,880	20	65%
Sudbury Curtis Middle School	1,332,483	26,649,660	20	64%
Bourne New Middle School	981,875	19,637,500	20	64%
Hopkinton New High School	1,836,249	36,724,980	20	63%
Winthrop Fort Banks New Elementary School	897,498	17,949,960	20	65%
Pioneer Valley High School	978,826	19,576,520	20	69.44%
Bedford New Davis Elementary School	577,305	11,546,100	20	57%
Blackstone-Millville JFK Elementary School	272,904	1,364,520	5	81%
Stoneham New South Elementary School	514,945	10,298,900	20	63%
South Hadley Middle School	803,806	16,076,120	20	69%
Wilbraham Miletree Elementary School	293,284	5,865,680	20	67%
Marshfield Furnace Brook Middle School	1,006,097	20,121,940	20	67%
Triton Regional Junior/Senior High School	1,777,327	35,546,540	20	67.32%
Plainville Jackson Elementary School	594,923	11,898,460	20	67%
South Hadley High School	860,416	17,208,320	20	69%
Plymouth Manomet Elementary School	116,651	1,749,765	15	64%
Hingham High School	1,362,664	27,253,280	20	61%
Wilbraham Stonyhill Elementary School	234,413	4,688,260	20	67%
Plymouth South Elementary School	208,213	3,123,195	15	64%
Whitman Conley Elementary School	586,675	11,733,500	20	81%
Dighton Elementary School	277,778	5,555,560	20	74%
Ludlow High School	1,457,710	29,154,200	20	73%
Greater Lawrence Vocational Technical	3,488,430	69,768,600	20	85.25%

School				
Canton Luce Elementary School	476,412	9,528,240	20	61%
Sudbury Haynes Elementary School	467,956	9,359,120	20	64%
Hingham South Elementary School	667,137	13,342,740	20	61%
Pembroke Hobomock Elementary School	453,398	9,067,960	20	73%
Natick Bennett-Hemenway Elementary School	653,609	13,072,180	20	59%
Richmond Consolidate Elementary School	379,476	7,589,520	20	64%
Whitman Duval Elementary School	613,915	12,278,300	20	81%
Stoneham New Central Elementary School	470,998	9,419,960	20	63%
Marlborough Jaworek Elementary School	489,993	9,799,860	20	62%
Sudbury Loring Elementary School	632,999	7,595,988	12	64%
Norfolk H.O. Day Elementary School	169,356	1,693,560	10	67%
Attleborough Coelho Middle School	902,966	18,059,320	20	74%
Quincy Point Webster Middle School	336,263	6,725,260	20	63%
Whitman Middle School	388,630	7,772,600	20	81%
Marshfield Martinson Elementary School	500,859	10,017,180	20	67%
Melrose Lincoln Elementary School	603,530	12,070,600	20	67%
Beverly Centerville Elementary School	298,673	5,973,460	20	64%
Stoneham Robin Hood Elementary School	438,070	8,761,400	20	63%
Hawlemont Elementary School	180,629	3,612,580	20	75.09%
Beverly North Elementary School	315,388	6,307,760	20	64%
Topsfield Proctor Elementary School	244,035	4,880,700	20	61%
Reading Coolidge Middle School	542,025	10,840,500	20	66%
Topsfield Steward Elementary School	287,701	5,754,020	20	61%
Stoneham Colonial Park Elementary School	418,596	8,371,920	20	63%
Plainville Wood Elementary School	591,204	11,824,080	20	67%
Brookline Edith Baker Elementary School	489,896	9,797,920	20	61%
Sandwich High School	1,203,842	24,076,840	20	60%
Bellingham Middle School	516,059	10,321,180	20	76%
Northbridge New High School	1,890,587	37,811,740	20	83%
Belchertown New High School	2,059,182	41,183,640	20	76%
Raynham New Middle School	1,523,312	30,466,240	20	73%
Nashoba Lancaster Elementary School	767,594	15,351,880	20	71%
Monson New High School	1,140,984	22,819,680	20	79%
Dartmouth New High School	2,219,316	44,386,320	20	69%
Groton-Dunstable New High School	1,522,398	30,447,960	20	66.54%
Lee New Elementary School	738,873	14,777,460	20	66%
Norwell Middle School	1,047,429	20,948,580	20	65%
Maynard New Middle School	1,144,476	22,889,520	20	65%
Shrewsbury New High School	3,206,732	64,134,640	20	64%
Littleton New High School	1,120,797	22,415,940	20	61%
Dover Chickering Elementary School	786,240	15,724,800	20	55%
Saugus New Elementary School	767,271	15,345,420	20	67%
Weymouth High School	1,921,828	38,436,560	20	67%

Acton New Elementary School	1,085,577	21,711,540	20	63%
Winthrop Elementary School	884,451	17,689,020	20	65%
Masconomet Regional High School	3,098,294	61,965,880	20	62.41%
Scituate Elementary School	607,381	12,147,620	20	64%
Norwell Elementary School	646,755	12,935,100	20	65%
Falmouth Mullen Elementary School	528,654	10,573,080	20	62%
Newton Bowen Elementary School	254,747	2,547,470	10	60%
Peabody New Elementary School	661,439	13,228,780	20	66%
Pembroke Bryantville Elementary School	852,047	17,040,940	20	73%
Walpole High School	1,239,336	24,786,720	20	63%
Millbury Elmwood Street Elementary School	621,037	12,420,740	20	72%
Hanover Cedar Elementary School	248,317	4,966,340	20	69%
Bristol-Plymouth Vocational/Technical High School	683,529	6,835,290	10	81.19%
Lee High School	783,586	15,671,720	20	66%
North Reading Hood Elementary School	240,291	4,805,820	20	64%
Millbury High School	946,578	18,931,560	20	72%
Westwood Downey Elementary School	560,869	5,608,690	10	59%
Greater New Bedford Vocational/Technical High School	1,633,037	32,660,740	20	85.14%
Leverett Elementary School	160,683	3,213,660	20	67%
Acton-Boxboro Junior High School	1,038,468	20,769,360	20	61.99%
Woburn New Elementary School	610,778	12,215,560	20	62%
Pembroke North Elementary School	920,211	18,404,220	20	73%
Westminster Elementary School	762,872	15,257,440	20	69%
Needham Newman Elementary School	195,489	3,909,780	20	58%
Hanover Center Elementary School	254,466	5,089,320	20	69%
Foxboro Ahearn Middle School	1,479,781	29,595,620	20	68%
Holliston Flagg Adams Middle School	1,234,057	24,681,140	20	68%
Ludlow Middle School	602,824	12,056,480	20	73%
Freetown-Lakeville New High School	750,070	15,001,400	20	72.46%
Billerica New Elementary School	970,612	19,412,240	20	67%
Lexington Clarke Middle School	489,517	9,790,340	20	59%
Bedford Lt. Job Lane Elementary School	486,772	9,735,440	20	57%
Lexington Diamond Middle School	777,954	15,559,080	20	59%
Winchester Lincoln Elementary School	527,988	10,559,760	20	63%
Lexington High School	1,507,024	30,140,480	20	59%
Nashoba Regional High School	1,328,132	26,562,640	20	65.32%
Nashoba-Lancaster Middle School	437,320	8,746,400	20	71%
Hanover Middle School	365,875	7,317,500	20	69%
Marion Elementary School	787,968	15,759,360	20	60%
Groton-Dunstable South Middle School	130,947	2,618,940	20	66.54%
Raynham Merrill Elementary School	258,394	5,167,880	20	73%
Monson Middle School	795,051	15,901,020	20	79%
Groton-Dunstable North Middle School	443,512	8,870,240	20	66.54%

Holliston High School	1,565,727	31,314,540	20	68%
Scituate High School	913,827	18,276,540	20	64%
Salem High School	1,452,989	29,059,780	20	65%

SECTION 330. Notwithstanding section 12 of chapter 490 of the acts of 1980, the department of housing and community development may authorize neighborhood housing services corporations to retain, reassign and re-loan funds received in repayment of loans made pursuant to the neighborhood housing services rehabilitation program.

SECTION 331. Section 2A of chapter 475 of the acts of 1993 is hereby repealed.

SECTION 332. Notwithstanding section 2 of chapter 184 of the acts of 1997 or any other general or special law to the contrary, the Massachusetts Water Resources Authority shall be reimbursed an amount not to exceed \$200,000 for its costs and expenses incurred through June 30, 1999, for environmental remediation of the parcel identified in section 1 of said chapter 184. Notwithstanding the provisions of any general or special law to the contrary, 50 per cent of said reimbursement shall be made by the department of environmental management from the Conservation Trust, established by section 1 of chapter 132A of the General Laws, and 50 per cent of said reimbursement shall be made by the metropolitan district commission from the Metropolitan Parks Trust Fund, established by section 34 of chapter 92 of the General Laws. Said reimbursement shall be based on and contingent upon the Massachusetts Water Resources Authority's submission of invoices received for said environmental remediation to said department and said commission.

SECTION 333. Notwithstanding any general or special law to the contrary, except for sections 52 to 55, inclusive, of chapter 7 of the General Laws, the secretary of administration and finance shall in fiscal year 2001 identify and pursue projects to optimize non-tax revenue management and collections by the commonwealth. The secretary or his designee may enter into contracts with private vendors and enter into interdepartmental service agreements with departments to identify and pursue the projects. Private vendors shall be compensated from non-tax revenues collected by such projects in excess of the non-tax revenues established by the contracts as the minimum to be collected by each such project. For the purposes of this section, such payments to vendors for services performed shall be known as "vendor participation payments", amounts allocated from item 1599-0033 of section 2 to participating departments pursuant to the provisions of this section shall be known as "department incentive payments", and non-tax revenue collected pursuant to this section, after deduction of vendor participation payments, department incentive payments and other charges directed to the Maximization Fund established by section 2R of chapter 29 of the General Laws, shall be known as "net additional revenue". For the purposes of this section, the terms "department" or "participating department" shall mean any department, agency, board, commission, office or institution under the executive control of the governor or other constitutional officer and determined by the secretary to be participating in the revenue optimization projects authorized by this section.

A vendor shall be compensated only if (1) the revenue achieved for each specific revenue source is new revenue, but new revenue shall be defined as revenue in addition to revenue collected during the base period for each revenue source; and (2) in the event of revenue sources which are caseload-driven federal reimbursements, so called, the ratio of that revenue source to the reimbursable expenditure has exceeded the highest such ratio during the base period.

A department shall receive department incentive payments pursuant to this section and to item 1599-0033 of section 2 only if both (1) the collection of a fee or any other non-tax revenue

during fiscal year 2001 is greater than the highest amount of revenue collected from said fee or other non-tax revenue during the base period; and (2) the total revenue collected by such department in fiscal year 2001 is in excess of the amounts projected in section 1B for each department.

For the purposes of this section, the term "base period" shall refer to the fiscal years beginning on July 1, 1994, and ending on June 30, 2000. Revenues which are attributable to a new fee or a newly reimbursable service or clientele shall be considered to have a base period revenue level of zero. The commonwealth shall retain all rights in software programs developed pursuant to any contract executed under this section.

The comptroller shall deposit in the Maximization Fund all monies collected under this section. The comptroller may allocate from the fund, at the direction of the secretary of administration and finance, department incentive awards up to the amount of the appropriation contained in item 1599-0033 of section 2 to participating departments pursuant to the following calculations: (a) an amount not to exceed \$1,000,000 when the net additional revenue accumulates to \$5,000,000; (b) an amount not to exceed \$2,000,000 when the net additional revenue accumulates to \$10,000,000; (c) an amount not to exceed \$2,500,000 when the net additional revenue accumulates to \$15,000,000; or (d) an amount not to exceed \$3,000,000 when the net additional revenue accumulates to an amount equal to or greater than \$20,000,000. Eighty-five per cent of said allocations shall be distributed to participating department in proportion to the amount of revenues collected by each individual department as a per cent of the total amount of revenues collected under the provisions of this section. The remaining 15 per cent shall be distributed to participating departments at the discretion of said secretary, regardless of the amount of revenues collected by each individual department. The comptroller shall transfer to the general fund at the close of the fiscal year any balance remaining in the Maximization Fund after providing for said allocations, vendor participation payments and other charges to said Maximization Fund, except that no expenditure shall be made from said Maximization Fund that would cause said fund to be in deficit at the close of the fiscal year. Departments receiving allocations pursuant to said item 1599-0033 may, subject to the provisions of this section, expend such funds without further appropriation after obtaining the written approval of said secretary or his designee of a plan detailing said proposed expenditures, allocations and reallocations, and the filing of such approved plan with the house and senate committees on ways and means not less than ten days in advance of any such allocation or reallocation. All expenditures made pursuant to the provisions of this section and said item 1599-0033 shall be for one-time expenses which shall not recur in fiscal year 2002 or a subsequent fiscal year. Funds appropriated for expenditure by the provisions of this section and said item 1599-0033 shall not be used to supplant purposes authorized in any other item of appropriation in section 2, or appropriated in any supplemental appropriation act enacted in fiscal year 2001 or a subsequent fiscal year. Any unexpended balance from said allocations at the end of each fiscal year shall revert to the general fund except to the extent that said approved spending plan for such an allocation includes multi-year expenditures.

The comptroller shall report, not later than January 31 of each year, to the secretary of administration and finance and the house and senate committees on ways and means on the results and operations of the revenue optimization projects authorized by this section, for the six-month period ending the preceding month. Such information shall detail, by each vendor, project and department: the amount of vendor participation payments paid to each vendor; the net additional revenue retained by the commonwealth; the amounts allocated or reallocated to

each such participating department pursuant to said item 1599-0033 and this section; and the estimated receipts, payments and allocations for the fiscal year.

The comptroller shall report to the secretary of administration and finance and the house and senate committees on ways and means, not later than July 31 of each year, the preceding information for the prior fiscal year, the total of all vendor participation payments made to each vendor and the net additional revenue collected by each project over the duration of the project. On or before July 31 of each fiscal year, the comptroller shall submit to the house and senate committees on ways and means a plan approved by the secretary of administration and finance detailing, by executive office and department, the net additional revenue estimated to be collected under the provisions of this section in the fiscal year. The provisions of this section shall remain in effect until July 1, 2002.

SECTION 334. Notwithstanding any general or special law to the contrary, the state treasurer may make payments pursuant to the provisions of section 38C of chapter 29 of the General Laws from items 0699-0015 and 0699-9100 of section 2. Such payments shall pertain to the bonds, notes or other obligations authorized to be paid from each item.

SECTION 335. Notwithstanding any general or special law to the contrary, funds in the Commonwealth Sewer Rate Relief Fund, established by section 2Z of chapter 29 of the General Laws, shall be available to mitigate sewer rate increases due to debt service obligations created by issuing eligible indebtedness. For the purposes of this section, "eligible indebtedness" shall mean debt issued on or after January 1, 1990, which has a final date of maturity more than five years after the date of issuance and which is incurred, wholly or in substantial part, to finance or refinance the cost of planning, design or construction of any water pollution abatement project, or part thereof, required to be constructed to meet the provisions of the Federal Water Pollution Control Act, 33 U.S.C. sections 1251 et seq., and sections 26 to 53, inclusive, of chapter 21 of the General Laws, or any wastewater collection or transportation project related thereto. Eligible indebtedness shall not include any indebtedness for which the issuer has received assistance provided from state grants. Notwithstanding any provision of this section to the contrary, eligible indebtedness shall include indebtedness incurred to finance the metrowest water supply tunnel, so-called. Eligible indebtedness shall include indebtedness incurred pursuant to loan agreements under the provisions of chapter 275 of the acts of 1989 which exceeded \$50,000,000 by June 30, 1995 and the debt service attributable thereto for any year for purposes of this section shall be the net obligation borne by the issuer after application of any credits, subsidies or assistance, however characterized, provided under the provisions of the aforementioned laws. No city, town, district, commission, agency, authority, board or other instrumentality of the commonwealth or any of its political subdivisions, which is responsible for the ownership or operation of wastewater treatment projects and is authorized to finance all or any part of the cost thereof through the issuance of eligible indebtedness in this section called an issuer, shall receive relief authorized by this section in excess of 20 per cent of its annual debt service obligations due to eligible indebtedness. The division of local services of the department of revenue, in consultation with the department of environmental protection, shall develop guidelines to certify an issuer's eligible indebtedness and shall create a process to equitably distribute funds to eligible issuers in order to mitigate extraordinary increases in sewer costs. Funds disbursed in fiscal year 2001 shall be disbursed on or before March 31, 2001. The board, office or commission responsible for setting sewer charges in each city, town, district or commission that either receives aid itself or is a member of a regional entity that receives aid pursuant to the

provisions of this section shall certify to the division of local services that it has reduced sewer charges to reflect its share of any such aid.

SECTION 336. Notwithstanding any general or special law to the contrary, items 4000-0110, 4130-1000, 4130-3200, 4130-3250, 4130-3300, 4130-3700, 4400-1000, 4400-1100, 4400-9999, 4401-1000, 4401-1001, 4403-2000, 4403-2110, 4403-2120, 4512-1300, 4530-9000 and 7030-1000 in section 2 shall be charged to the Transitional Aid to Needy Families Fund, according to the approximate percentage established in the fund split, so-called, for each such item. Such approximate percentage so applied to each such item shall be not more than five percentage points above or below such approximation for the purposes of achieving maintenance of historic expenditures, so-called, minimizing federal interference with the provisions of state law and maximizing the effective use of federal funds consistent with the requirements of the federal Personal Responsibility and Work Opportunity Reconciliation Act of 1996 and chapter 5 of the acts of 1995. Such percentage so applied shall be based upon certification to the comptroller by the department of transitional assistance that such percentage reflects the appropriate distribution of actual expenditures necessary to achieve said purposes. Such percentage so charged shall be subject to the approval of the secretary of administration and finance. Expenditures not charged to the Transitional Aid to Needy Families Fund shall be charged by the comptroller to the general fund for each such item unless specified otherwise. The department of transitional assistance shall report quarterly to the house and senate committees on ways and means on the expenditures charged to each such fund and the reasons therefor including, but not limited to, eligibility requirements established by said federal act and said chapter 5 and the relationship between the caseload distribution and costs. Such reports shall be filed not more than 30 days following the close of each state fiscal quarter.

SECTION 337. Notwithstanding any general or special law to the contrary, the comptroller shall transfer, without further appropriation, \$112,212,714 from the Transitional Aid to Needy Families Fund, established by section 2KK of chapter 29 of the General Laws, to the Child Care Fund, established by section 2LL of chapter 29 of the General Laws, not later than June 30, 2001.

SECTION 338. Notwithstanding any general or special law to the contrary, the comptroller shall transfer, without further appropriation, \$26,390,788 from the Transitional Aid to Needy Families Fund, established by section 2KK of chapter 29 of the General Laws, to the Social Services Program Fund, established by section 2MM of chapter 29 of the General Laws, or to said Social Services Program Fund via the Child Care Fund, not later than June 30, 2001.

SECTION 339. Notwithstanding any general or special law to the contrary, the comptroller shall transfer, without further appropriation, as of June 30, 2001, \$36,952,082 from the general fund to the Children's and Seniors' Health Care Assistance Fund, established by section 2FF of chapter 29 of the General Laws.

SECTION 340. Notwithstanding any general or special law to the contrary, if an amount earmarked within any item of section 2 is insufficient to accommodate the full value of the rate increases provided under item 1599-6896 of section 2 of chapter 43 of the acts of 1997, item 1599-6897 of section 2 of chapter 194 of the acts of 1998, item 1599-6898 of section 2 of chapter 127 of the acts of 1999, and item 1599-6899 of section 2 of this act, such earmark may be increased to accommodate such rate increases, subject to the approval of the secretary of administration and finance; but in no event shall the amount of any earmark in section 2 of this act be decreased. The secretary of administration and finance shall report to the house and

senate committees on ways and means on all such increases not more than 30 days after such increases have been approved.

SECTION 341. Notwithstanding any general or special law to the contrary, the comptroller may transfer from the following items in section 2 such amounts as otherwise would be unexpended on June 30, 2001, to those of the following said items which otherwise would have insufficient amounts to meet debt service payments for the fiscal year ending June 30, 2001; provided that each amount transferred shall be charged to the funds as specified in the item to which such amount is so transferred: 0699-0015 and 0699-9100.

SECTION 342. The comptroller shall transfer the amount of \$30,000,000 from the general fund to the Uncompensated Care Trust Fund, established pursuant to section 18 of chapter 118G of the General Laws, for the purpose of making initial gross payments to qualifying acute care hospitals for the hospital fiscal year beginning October 1, 2000. Said payments shall be made to hospitals prior to, and in anticipation of, the payment by hospitals of their gross liability to said fund. The comptroller shall transfer from said fund to the general fund not later than June 30, 2001, the amount of the transfer authorized herein and any allocation thereof as certified by the commissioner of the division of health care finance and policy.

SECTION 343. Notwithstanding the provisions of any general or special law to the contrary, the division of medical assistance may transfer appropriated funds among items 4000-0860, 4000-0870, 4000-0880 4000-0890 and 4000-0891 of section 2 of this act, provided that the amount transferred from any of said items shall not exceed 10 per cent of the appropriation in that item.

SECTION 344. Notwithstanding any general or special law to the contrary, the amount assessed to acute hospitals in fiscal year 2001 for the estimated expenses of the division of health care finance and policy, including indirect costs, shall be equal to the amount appropriated by the general court in item 4100-0060 in section 2 less amounts projected to be collected in fiscal year 2001 from (1) fees and charges generated by the division's publication or dissemination of reports and information, and (2) federal financial participation received as reimbursement for the division's administrative costs, but said assessed amount shall be not be less than 65 per cent of the division's expenses as specified herein.

SECTION 345. Notwithstanding the provisions of any general or special law to the contrary, the division of medical assistance and the department of public health shall deposit all monies collected as civil monetary penalties from nursing homes participating in the Medicaid program authorized by Title XIX of the Social Security Act into a separate expendable trust fund which shall be designated and known as the Commonwealth of Massachusetts Civil Monetary Penalties Fund. Monies collected as civil monetary penalties from nursing homes shall include both monies collected from Medicaid-only facilities, known as nursing facilities, and the commonwealth portion of funds collected from dually participating facilities, known as skilled nursing facilities or nursing facilities, for noncompliance with sections 1919(b), 1919(c) and 1919(d) of the Social Security Act and monies collected from individuals pursuant to sections 1919(b)(3)(B)(ii)(I), 1919(b)(3)(B)(ii)(II) and 1919(g)(2)(A)(i) of the Social Security Act. The department may expend monies from this fund without further appropriation in accordance with the provisions of this section. The department shall administer the fund in accordance with law including, without limitation, section 1919(h)(2)(A)(ii) of the Social Security Act. The department shall expend monies in the fund for measures to protect the health and property of nursing home residents in nursing home facilities found by the department or the secretary of health and human services to be deficient including, without limitation, the following: (i) nursing

facility staff training and education; (ii) technical assistance for troubled facilities; (iii) dissemination of best practice models for quality of care issues, such as malnutrition and dehydration; (iv) state operation of facilities pending correction of deficiencies or closure; (v) reimbursement of facility residents for lost personal funds or property; and (vi) costs of relocating residents from one facility to another.

SECTION 346. Notwithstanding the provisions of any general or special law to the contrary, the division of medical assistance may expend \$32,000,000 from the medical assistance intergovernmental transfer account within the Uncompensated Care Trust Fund to certain acute care hospitals for the intergovernmental funds transfer component of disproportionate share payments and service rate payments, as established in accordance with Title XIX of the federal Social Security Act, or any successor federal statute, any regulations promulgated thereunder, the Medicaid state plan, and the terms and conditions of agreements reached with the division for such transfer payments. No funds shall be expended unless a public entity is legally obligated to make an intergovernmental funds transfer to the division for deposit into said medical assistance intergovernmental transfer account in an amount specified in an agreement with such entity which amount shall be not less than 50 per cent of the amount of the said intergovernmental funds transfer. All revenues generated pursuant to the provisions of this section shall be credited to said medical assistance intergovernmental transfer account. An accounting of such payments shall be reported quarterly to the house and senate committees on ways and means.

SECTION 347. Notwithstanding any special or general law to the contrary, the division of medical assistance shall expend \$45,000,000 from the medical assistance intergovernmental transfer account within the Uncompensated Care Trust Fund for the intergovernmental funds transfer component of medicaid payments to the University of Massachusetts memorial hospital for hospital services provided pursuant to the terms and conditions of the contract between the division and said hospital. Programs funded pursuant to this section shall not create recurring liabilities to the commonwealth in future fiscal years. Said medical assistance intergovernmental transfer account shall be reimbursed \$22,500,000 by the University of Massachusetts medical school pursuant to this section. The University of Massachusetts medical school shall submit to the house and senate committees on ways and means a report detailing the programs funded from revenue associated with this section, not later than November 30, 2000.

SECTION 348. Notwithstanding any general or special law to the contrary, the division of medical assistance may, during fiscal year 2001 and the accounts payable period for said fiscal year, expend from the medical assistance intergovernmental transfer account within the Uncompensated Care Trust Fund an amount not to exceed \$242,000,000 for a program of MassHealth supplemental payments, so-called, to certain publicly-operated entities providing Title XIX reimbursable services, directly or through contracts with hospitals under an agreement with the division relating to such payments and transfers as established in accordance with Title XIX of the Social Security Act or federal waivers thereof, federal regulations promulgated thereunder, the terms of the waiver under section 1115 of the Social Security Act, state law and the medicaid plan. Such funds may be expended only for services rendered during fiscal year 2001. Such expenditures shall reduce payments from the uncompensated care trust fund, established pursuant to the provisions of section 18 of chapter 118G of the General Laws, to such entities by an amount comparable to the net revenues received by such entities under this section. Said division shall notify the house and senate committees on ways and means if such expenditures are rendered ineligible for federal reimbursement. All expenditures made pursuant to the provisions of this section shall be reported quarterly to the house and senate committees on

ways and means. Amounts so authorized for expenditure by this section shall be funded in part through intergovernmental transfers to the commonwealth or municipal or other nonfederal public funds. The Boston public health commission and the Cambridge public health commission shall transfer to said medical assistance intergovernmental transfer account not less than one-half of the gross amounts of supplemental payments, so-called, made by the division under managed care contracts with said commissions.

SECTION 349. Notwithstanding the provisions of subsection (k) of section 14G of chapter 151A of the General Laws or any other general or special law to the contrary, the comptroller is hereby authorized and directed to transfer \$25,000,000 from the Medical Security Trust Fund, established pursuant to said subsection (k) of said section 14G of said chapter 151A, to the general fund for the purpose of making one-time adjustments to medicaid rates of payments to acute hospitals pursuant to item 4000-1000 in section 2. Said transfer shall not create any recurring liabilities to the commonwealth in future fiscal years.

SECTION 350. For hospital fiscal year 2001, the private sector liability of purchasers and third party payers to the Uncompensated Care Trust Fund, established pursuant to section 18 of chapter 118G of the General Laws, shall be \$315,000,000. For state fiscal year 2001, notwithstanding the provisions of any general or special law to the contrary, \$30,000,000 generated by federal financial participation made available under Title XIX of the Social Security Act to reimburse the costs of said trust fund for disproportionate share hospitals shall be deposited into said trust fund.

SECTION 351. Notwithstanding the provisions of subsection (k) of section 14G of chapter 151A of the General Laws or any other general or special law to the contrary, the comptroller shall transfer \$25,000,000, in two separate payments, from the Medical Security Trust Fund, established pursuant to said subsection (k) of said section 14G of said chapter 151A, to the Uncompensated Care Trust Fund, established by section 18 of chapter 118G of the General Laws. The comptroller shall make the first payment by September 30, 2000 and shall transfer the greater amount of \$5,462,500 or the actual uncompensated care pool shortfall in the pool for pool fiscal year 2000. The remaining balance shall be paid in pool fiscal year 2001. Said transfers shall only be made for the purpose of alleviating any deficit in said pool.

SECTION 352. The commissioner of the department of revenue shall promulgate rules and regulations as may be necessary to implement and enforce the provisions of subparagraph (13) of paragraph (a) of Part B of section 3 of chapter 62 of the General Laws, as inserted by section 119 of this act.

SECTION 353. Notwithstanding any general or special law to the contrary, any planned information technology development project or system purchase by any agency under the authority of the governor for which the total projected cost, including the cost of any related hardware purchased in conjunction with said project or system, exceeds \$200,000 shall be reviewed and approved by the chief information officer before such agency may obligate funds for such purchase. The chief information officer shall establish such rules and procedures as he deems necessary to implement this section.

SECTION 354. Notwithstanding the provisions of any general or special law to the contrary, items 1599-0042, 1599-0043, 4130-2998, 4130-3100, 4130-3200, 4130-3250, 4130-3300 and 4130-3600 in section 2 of this act shall be charged to the Child Care Fund, established by section 2LL of chapter 29 of the General Laws, according to the approximate percentage established in the fund split, so-called, for each such item. Such approximate percentage so applied to each such item may range not more than five percentage points above or below such

approximation for the purposes of maximizing federal reimbursement and meeting federal maintenance of effort requirements. Such percentage so applied shall be based upon certification to the comptroller by the office of child care services and the department of transitional assistance that such percentages reflect the appropriate distribution of actual expenditures necessary to achieve said purposes. Such percentage so charged shall be subject to the approval of the secretary of administration and finance.

SECTION 355. There shall be established and set up on the books of the commonwealth a separate fund to be known as the Mental Health Information System Fund. There shall be credited to said fund: revenues from enhanced federal reimbursements generated pursuant to Title XIX of the federal Social Security Act from information technology expenditures made by the department of mental health pursuant to the advanced planning document approved by the federal government for a mental health information system; any grants, premiums, gifts or other contributions explicitly made to said fund; and any income derived from the investment of amounts credited to said fund. Amounts credited to said fund shall be held as an expendable trust and shall not be subject to further appropriation. The department of mental health shall report monthly by source all amounts credited to said fund and all expenditures by subsidiary made from said fund as recorded on the Massachusetts management and accounting reporting system. Said amounts shall be made available by the state treasurer exclusively for costs associated with the development and implementation of said system; provided, however, that said amounts shall not be available for the on-going operating costs of said system after its implementation. Any recovery of fringe benefit costs made against said fund pursuant to section 5D of chapter 29 of the General Laws shall not exceed the federal fringe recovery rate. No expenditures shall be made that would cause said fund to close a state fiscal year with a negative balance. Said fund shall expire on June 30, 2003.

SECTION 356. There is hereby established on the books of the commonwealth a separate fund to be known as the Asbestos Cost Recovery Fund. Notwithstanding the provisions of any general or special law to the contrary, all sums awarded or received by the commonwealth, after the payment of fees and expenses, as a result of settlement, trial or judgment from Suffolk Superior Court No. 90-3791-A, Commonwealth of Massachusetts v. Owens Corning Fiberglass, et al., and other actions brought to recover damages relating to asbestos-containing materials in buildings owned or operated by the commonwealth, or received as dividend payments by the commonwealth on account of the bankruptcy of any manufacturer, seller or distributor of asbestos-containing materials in buildings owned or operated by the commonwealth, shall be segregated and deemed to be held in said fund. The division of capital asset management and maintenance shall develop a plan for the orderly expenditure of such sums as are received by the Asbestos Cost Recovery Fund for the purposes of encapsulation, removal of asbestos, and costs related thereto. The plan shall contain provisions for emergencies, the short term and long term control of asbestos in buildings owned or operated by the commonwealth, and the removal and disposition of asbestos-containing materials located in such buildings. Any funds deposited as described above may be expended by said division, subject to appropriation, consistent with the purposes of this section.

SECTION 357. There is hereby established on the books of the commonwealth a separate fund to be known as the Capital Needs Investment Trust Fund, in this section called the fund. There shall be credited to the fund in fiscal year 2001, 2002, 2003, 2004 and 2005 \$45,000,000 for each such fiscal year received by the commonwealth from the income tax imposed by chapter 62 of the General Laws. The state treasurer shall hold amounts in the fund

as trustee for the purposes set forth in this section and shall disburse the following amounts in each fiscal year without further appropriation:

(a) two semiannual payments of \$10,000,000 each to the Affordable Housing Trust Fund, established by chapter 121D of the General Laws, to be made at the beginning and middle of each such fiscal year;

(b) \$11,000,000 upon the request from time to time of the department of education, for statewide systems and competitive grants for districts that innovate or adopt the best scalable practices for using technology to increase student achievement on curriculum aligned with the Massachusetts standards. Of said amounts, over the five-year period of the fund, the department shall expend: (1) not more than \$10,700,000 for the development of the so-called "virtual education space," an on line set of tools and implementation strategies individualized for each educator, student and parent to support them on increasing student achievement on the Massachusetts Comprehensive Assessment System; (2) not more than \$4,000,000 for the completion of all objectives of the department's information management system, with a final report and demonstration made to the general court not later than January 31, 2001; (3) not more than \$5,000,000 for programs that train students as technology leaders such as Youth Tech Entrepreneurs; (4) not less than \$35,000,000 for competitive matching grants to districts that have updated approval by the department for local technology plans that meet department standards by 2003 in areas of student to computer ratio, classroom access to the internet, availability of user support, administrative systems and out of school access, and demonstrate clear capabilities to innovate or adopt best scalable practices that increase student achievement on curriculum aligned with Massachusetts state standards; and (5) not more than \$300,000 for a program promoting the beneficial effect of music for young people aged 8 to 18, including a program of multidiscipline curricula in the public schools and for an internet domain site providing an array of information and resources on music education for children, parents and teachers;

(c) \$5,000,000 upon the request from time to time of the commissioner of capital asset management and maintenance, to repair, rehabilitate, reuse, demolish or redevelop former residential facilities operated by any of the departments of mental health, mental retardation and public health, according to a written annual plan which the commissioner shall file not later than September 15 with the house and senate committees on ways and means; and

(d) \$9,000,000 upon the request from time to time of the commissioner of capital asset management and maintenance, for scheduled and deferred maintenance and repairs to capital assets owned by the commonwealth. The commissioner shall submit a plan detailing the cost and nature of such maintenance and repair projects, including how projects funded under this paragraph alleviate or otherwise affect the costs and schedules of maintenance and repairs otherwise funded or required to be funded by bonded indebtedness, to the secretary of administration and finance, the state budget director and the house and senate committees on ways and means not later than September 1, 2000. The commissioner shall file quarterly reports with the secretary, budget director and committees on the progress of all funded projects.

This section shall expire on June 30, 2005. The unexpended balance of said Trust Fund on said June 30 shall be transferred to the Commonwealth Stabilization Fund established by section 2H of chapter 29 of the General Laws.

SECTION 358. All requirements in sections and items of appropriation, and all portions thereof, set forth in this act are subject to appropriation by the legislature, and, in the event of a

deficiency, shall not give rise to, or be construed as giving rise to, any enforceable right or entitlement not otherwise provided by state regulation or general or special law.

SECTION 359. Notwithstanding the provisions of any general or special law to the contrary, the state comptroller shall deduct an amount of \$100,000 from any item of appropriation in section 2 of this act in which a reporting requirement is stipulated within said item and which report is not filed within ten days of the stated due date. Any and all amounts deducted shall be deposited in the General Fund. The comptroller shall notify the house and senate committees on ways and means of any and all amounts so deducted.

SECTION 360. Notwithstanding the provisions of any general or special law to the contrary, the comptroller may enter into contracts with private vendors to identify and pursue cost avoidance opportunities for programs of the commonwealth and to enter into interdepartmental service agreements with state agencies, as applicable, for said purpose. Payments to private vendors on account of such cost avoidance projects shall be made only from such actual cost savings as have been certified in writing to the house and senate committees on ways and means by the comptroller and the budget director as attributable to such cost avoidance projects. The comptroller may establish such procedures, in consultation with the budget director and the affected departments, as he deems appropriate and necessary to accomplish the purpose of this section. Nothing herein shall be construed to allow the comptroller or the budget director to establish any accounts without prior statutory approval. The budget director shall report on a quarterly basis to the house and senate committees on ways and means the status of all cost avoidance projects which are undertaken pursuant to the provisions of this section. The comptroller shall report on said projects as a part of his annual report pursuant to section 12 of chapter 7A of the General Laws.

SECTION 361. Notwithstanding the provisions of any general or special law to the contrary, not later than ten days after the effective date of this act the comptroller shall transfer \$10,000,000 from the general fund to the Massachusetts Clean Elections Fund, established by section 42 of chapter 10 of the General Laws, for advance funding of the requirements established pursuant to chapter 55A of the General Laws for public financing of elections for constitutional officers, councilors, and members of the general court; provided, that said fund shall not be available for appropriation until fiscal year 2002.

SECTION 362. Notwithstanding any general or special law to the contrary, the secretary of administration and finance shall charge state agencies in fiscal year 2001 as hereinafter provided for workers' compensation costs, including related administrative expenses, incurred on behalf of the employees of said agencies. Administrative expenses shall be allocated based on each agency's per cent of total workers' compensation benefits paid in fiscal year 2000. The personnel administrator shall administer said charges on behalf of said secretary, and may establish such rules and procedures as he deems necessary to implement the provisions of this section.

The personnel administrator shall (1) notify agencies regarding the chargeback methodology to be used in fiscal year 2001, (2) notify agencies of the amount of their estimated worker's compensation charges for said fiscal year, and (3) require agencies to encumber funds in an amount sufficient to meet said estimated charges. Said estimated charges for each agency in said fiscal year shall be not less than the amount of the actual workers' compensation costs, including related administrative expenses, incurred by each such agency in fiscal year 2000, and may include such additional amounts as are deemed necessary under regulations promulgated pursuant to this section. For any agency that fails within 30 days of the enactment of this act to

encumber funds sufficient to meet said estimated charges, the comptroller shall so encumber funds on behalf of such agency.

The personnel administrator shall (1) determine the amount of the actual worker's compensation costs incurred by each agency in the preceding month, including related administrative expenses, (2) notify each agency of said amounts, (3) charge said amounts to each agency's accounts as estimates of the costs to be incurred in the current month, and (4) transfer said amounts to item 1750-0105 of section 2.

Notwithstanding any general or special laws, any balance remaining in the Workers' Compensation Intergovernmental Service Fund, line item 1750-0105, at the close of FY 2000 shall be transferred to the General fund; provided further, that in line item 1750-0105 any unspent balance at the close of Fiscal Year 2000 in an amount not to exceed 5% of the amount authorized shall remain in the Workers' Compensation Intergovernmental Service Fund and is hereby re-authorized for expenditures for such item in Fiscal Year 2001.

The personnel administrator is hereby authorized to expend in fiscal year 2001 from said item 1750-0105 for hospital, physician, benefit, and other costs related to workers' compensation for employees of state agencies, including administrative expenses; provided, that such expenditures may include payments for medical services provided to claimants in prior fiscal years, as well as compensation benefits and associated costs prior to fiscal years.

SECTION 363. Notwithstanding any general or special law to the contrary, the superintendent of each school district shall, prior to the beginning of the school year, meet with the fire chief and police chief of the city, town or district to formulate a school specific "Multi-hazard evacuation plan" for each school under the superintendent's supervision. Said multi-hazard evacuation plan shall encompass, but not be limited to, evacuations for fires, hurricanes and other hazardous storms or disasters in which serious bodily injury might occur, shootings and other terrorist activities, and bomb threats. Said plan shall be designed for each school building after a review of each building. Said plan shall include, but not be limited to: (1) establishment of a crisis response team; (2) a designation as to who is in charge of said team and designated substitutes; (3) a communication plan; (4) crisis procedures for safe entrance to and exit from the school by students, parents and employees; and (5) policies for enforcing school discipline and maintaining a safe and orderly environment during the crisis. Each district, with the assistance of the local police and fire departments, shall annually review and update as appropriate said plan. At the beginning of each school year, students at each school shall be instructed as to the plan that is developed.

SECTION 364. Upon the abolition of Berkshire county in accordance with chapter 34B of the General Laws, each city and town shall have exclusive authority and power to order the laying out, locating anew or discontinuance of, or making specific repairs to all streets and ways, and all highways, exclusive of those under the jurisdiction of the highway department including, without limitation highways laid out by the county of Berkshire, within the limits of each such city and town, and to assess the damages sustained on account thereof.

Upon the abolition of Berkshire county in accordance with chapter 34B of the General Laws, all records of the county of Berkshire, Berkshire county surveyors department and county commissioners dealing with the laying out, locating anew, discontinuance of and orders for specific repairs to ways in Berkshire county shall be transferred to the custody of the registry of deeds for the Berkshire Middle District in Pittsfield. Said records shall be available for public inspection in the same manner as all other records in the custody of said registry of deeds.

SECTION 365. Notwithstanding the provisions of any general or special law to the contrary, the secretary of administration and finance shall promulgate regulations which shall require any entity which is the recipient of a contract, subcontract, grant, or award which allows said entity to provide a service to the citizens of the commonwealth to acknowledge in written materials and public information about such service that such service is being provided in whole or in part by the taxpayers of the commonwealth.

SECTION 366. The division of capital asset management and maintenance, on behalf of the department of environmental management, is hereby authorized, subject to the provisions of sections 40E to 40K, inclusive, of chapter 7 of the General Laws, to lease and enter into other agreements, for terms not to exceed 25 years, providing for the use, operation, maintenance, repair or improvement of the following state-owned buildings and facilities together with the land and appurtenances associated therewith: Representative John G. Asiaf memorial skating rink, Brockton; Arthur R. Driscoll memorial skating rink, Fall River; Veterans memorial skating rink, Franklin; Stephen Hetland memorial skating rink, New Bedford; John A. Armstrong memorial skating rink, Plymouth; Theodore J. Aleixo, Jr. skating rink, Taunton; Veterans Memorial Skating Arena, Haverhill; John J. Janas Memorial Skating Rink, Lowell; Henry Graf, Jr., Skating Rink, Newburyport; James E. McVann and Louis F. O'Keefe Memorial skating rink, Peabody; Daniel S. Horgan Memorial Skating Rink, Auburn; Gardner Veterans Skating Rink, Gardner; John J. Navin skating rink, Marlboro; Honorable Charles J. Buffone Skating Rink, Worcester; Greenfield Area Skating Rink, Greenfield; Henry J. Fitzpatrick skating rink, Holyoke; Ray Smead Memorial Skating Rink, Springfield; and Vietnam Veterans Memorial Skating Rink, North Adams. Such leases and other agreements shall be on terms acceptable to the commissioner of the division of capital asset management and maintenance after consultation with the commissioner of the department of environmental management, and, notwithstanding the provisions of any general or special law to the contrary, shall provide for the tenants to manage, operate, improve, repair and maintain the properties. Any such leases or other arrangements requiring improvements to be made to any buildings may include a description of the initially required improvements and, at a minimum, performance specifications. Ice time at department of environmental management -owned skating rinks shall be allocated to user groups in the following priority order: general public skating; youth groups; high school hockey; and adult organizations or informal groups. Ice time may be allocated at the discretion of the operator with the following restrictions: general public skating sessions must be booked at a minimum of 16 hours per week, with a range of times and days which reasonably allow for public skaters of all ages to participate in some public skating sessions. Every effort shall be made to balance the ice allocation needs of long-established youth organizations and newly formed youth organizations in a manner that provides equal opportunity and equal access for youths of each gender. Such leases and other agreements shall provide that any benefits to the communities and the costs of improvements and repairs made to the properties provided by the tenants or the recipients of the properties shall be taken into account as part of the consideration for such leases or other agreements. All consideration received from the leases or other agreements shall be payable to the department of environmental management for deposit into the Second Century Fund, established by section 2EE of chapter 29 of the General Laws. The recipients of said properties shall bear all costs deemed necessary or appropriate by the commissioner of the division of capital asset management and maintenance for the transaction, including without limitation, all costs for legal work, survey, title and the preparation of plans and specifications.

SECTION 367. Notwithstanding the provisions of any general or special law, rule, or regulation to the contrary, the department of housing and community development may conduct annual verifications of household income levels based upon state tax returns for the purposes of administering the state and federal housing subsidy programs funded in items 7004-9004, 7004-9005, 7004-9009, 7004-9030, 7004-9011, 7004-9013, 7004-9014, 7004-9019, 7004-9020, and 7004-9024 of section 2. As a condition of eligibility or continued occupancy by an applicant or a tenant, said department may require disclosure of the social security number of an applicant or tenant and members of such applicant's or tenant's household for use in verification of income eligibility. Said department is hereby authorized to deny or terminate participation in subsidy programs for failure by an applicant or a tenant to provide a social security number for use in verification of income eligibility. Said department also may consult with the department of revenue, the department of transitional assistance or any other state or federal agency which it deems necessary to conduct such income verification. Notwithstanding the provisions of any general or special law to the contrary, such state agencies shall consult and cooperate with said department and furnish any information in the possession of said agencies including, but not limited to, tax returns and applications for public assistance or financial aid. For the purposes of conducting such income verification, the director of housing and community development may enter into an interdepartmental service agreement with the commissioner of revenue to utilize the department of revenue's wage reporting and bank match system for the purpose of verifying the income and eligibility of participants in such federally assisted housing programs and that of members of the participants' households.

SECTION 368. The division of medical assistance shall seek \$5,000,000 in federal financial participation, under Title XIX of the federal Social Security Act, for \$10,000,000 in expenditures made for psychiatric and other health services provided to incarcerated individuals in correctional facilities operated by the department of correction. Upon receipt of said federal financial participation said division may transfer \$5,000,000 from the intergovernmental transfer account within the Uncompensated Care Trust Fund to the University of Massachusetts Medical School. Said transfer shall be made in accordance with the terms of an interdepartmental service agreement between said department, said medical school and said division. Said interdepartmental service agreement shall provide for said medical school to arrange for the delivery of psychiatric and other health services to persons incarcerated in correctional facilities operated by said department. Upon receipt of said federal financial participation, the comptroller shall credit \$5,000,000 to said intergovernmental transfer account for purposes of financing the intergovernmental transfer authorized herein. Programs funded pursuant to this section shall not create recurring liabilities to the commonwealth in future fiscal years.

SECTION 369. Notwithstanding the provisions of any general or special law to the contrary, all references to the "division of registration" in any general or special law or in any order, rule, regulation or other document shall mean and shall be construed as referring to the division of professional licensure.

SECTION 370. Notwithstanding any general or special law to the contrary, the criminal justice training council shall charge a fee of \$1,900 per person for training programs operated by the council for all persons who begin training on or after July 1, 2000. Said fee shall be retained and expended by said council according to this section and the provisions of item 8200-0222 of section 2 of this act. The trainee, or, if the trainee is a recruit, the municipality in which the recruit shall serve, shall provide said fee in full to the council no later than the first day of orientation for the program in which such trainee or recruit has enrolled. No recruit or person

shall begin training unless said municipality or said person has provided said fee in full to said council. For recruits of municipalities, upon the completion of said program, the municipality shall deduct said fee from said recruit's wages in 19 equal monthly installments, unless otherwise negotiated between said recruit and the municipality in which said recruit shall serve. If a recruit withdraws from the training program before graduation, said council shall refund the municipality in which the recruit was to have served a portion of said fee according to the following schedule: if a recruit withdraws from said program before the start of week two, 75 per cent of said payment shall be refunded; if a recruit withdraws from said program after the start of week two but before the start of week three, 50 per cent of said fee shall be refunded; if a recruit withdraws from said program after the start of week three but before the start of week four, 25 per cent of said fee shall be refunded; if a recruit withdraws after the start of week four, the fee shall not be refunded. A recruit who withdraws from said program shall pay the municipality in which he was to have served the difference between said fee and the amount forfeited by said municipality according to said schedule. Said schedule shall also apply to trainees other than recruits who enroll in said program.

SECTION 371. The department of environmental protection, in consultation with the water pollution abatement trust, is hereby authorized and directed to notify each municipality and special district by September 1, 2000 of the change in the commonwealth rate of subsidy for projects financed pursuant to chapter 29C of the General Laws that shall take effect for water pollution abatement projects and drinking water projects beginning with said departments intended use plan for calendar 2002 pursuant to sections 57 and 58.

SECTION 372. Notwithstanding the provisions of chapter 29C of the General Laws or any other general or special law to the contrary, the water pollution abatement trust is hereby directed to leverage funds in the trust for disbursement to finance projects authorized pursuant to said chapter 29C on the basis of a three-to-one ratio. If in the opinion of the state treasurer, such increased leveraging is not feasible, the provisions of this section shall not apply, provided, that the treasurer shall notify the secretary of administration and finance, the commissioner of the department of environmental protection, the house and senate committees on ways and means, the committee on long-term debt and capital expenditures, and the joint committee on natural resources upon making any such determination.

SECTION 373. Notwithstanding the provisions of any general or special law to the contrary, the department of revenue is hereby authorized and directed to refund the overpayment of the 1991 income tax of Theodore and Carolyn Holland of the city of Beverly.

SECTION 374. Notwithstanding the provisions of section 4 of chapter 32 or any other general or special law to the contrary, the State-Boston Retirement Board is hereby authorized and directed to grant to Carol J. McCarthy of Norwood, a school teacher for the City of Boston, for the period of December 11, 1970 through August 31, 1976 creditable service for the purposes of chapter 32 of the General Laws, if said Carol J. McCarthy pays into the State-Boston Retirement System Annuity Savings Fund, in one sum or in installments, as said board shall determine, an amount equal to any retirement allowance or accumulated regular deductions received by her under the provision of said chapter 32.

Said Carol J. McCarthy shall also pay into said annuity savings fund, in one sum or in installments, as said board shall determine, an equal amount to the amounts which would have been deducted from the regular compensation of Carol J. McCarthy for the period from December 11, 1970 until August 31, 1976 had she been a member in service during that period. In addition to the payment of the amount required by the preceding sentence, said Carol J.

McCarthy shall also pay into said annuity savings fund an amount of interest such that upon the completion of such payments the value of her accumulated payments under this paragraph, together with regular interest thereon, shall equal the value of her accumulated regular deductions for such period which would have resulted if such deductions had actually been made from regular compensation during the aforementioned period.

Upon the completion of the payments required hereunder, the State-Boston Retirement Board shall grant to said Carol J. McCarthy creditable service for the period from December 11, 1970, until August 31, 1976, but no such credit shall be granted until such payments are completed.

SECTION 375. The office of the trial court shall install and dedicate a plaque at the South Boston District Court commemorating the contributions of the late Honorable Chief Justice Joseph F. Feeney.

SECTION 376. The Austen Riggs center located in the town of Stockbridge is hereby exempted from the provisions of the ninth paragraph of section 70E of chapter 111 of the General Laws.

SECTION 377. In order to make the Constitution of the Commonwealth, as amended, accessible to and understandable to the citizens of the commonwealth, the secretary of the commonwealth shall publish no later than December 31, 2000, an unofficial version of the Constitution of the Commonwealth.

The unofficial version shall consist of the current text of the Constitution, as amended. Any provisions no longer in effect and any historical information, including references to former provisions and amendments that added sections, shall be attached as an appendix. The unofficial version shall be in Arabic, rather than Roman numerals for purposes of accessibility.

SECTION 378. Notwithstanding any general or special law to the contrary, the Massachusetts Bay Transportation Authority shall cease operation of the Readville train layover facility located in the Readville section of the city of Boston on or before July 1, 2001.

SECTION 379. (a) As used in this section, the following words shall have the following meanings:-

"County", Plymouth county, acting through its duly elected commissioners or other duly authorized representatives, or any governmental unit or body succeeding to the rights, properties, powers, duties, and responsibilities of said county.

"Registry of deeds", the Plymouth county registry of deeds, or any successor to the rights, powers, duties, and responsibilities thereof, acting through and by the register of deeds or his designee.

"Project", the new land records management facility to be constructed on a site located in the town of Plymouth on a portion of land owned by the county situated on the southeasterly side of Obery street in the town of Plymouth, as shown on land court Plan 2161B entitled "Subdivision Plan of Land in Plymouth, Massachusetts" dated March 14, 1995, filed with Certificate of Title No. 225 in the Plymouth land court division, being a subdivision of the land appearing on land court Plan 2161A, also filed with Certificate of Title No. 225.

(b) The county may plan, design, construct, equip, and furnish a new land records management facility, hereinafter referred to as the "project", to provide suitable and adequate facilities for the registry of deeds. The design, construction and equipping, construction management, development, financing, leasing, or any part of the project, and any contract relating directly or indirectly to said design, construction and equipping, construction management, development, financing, or leasing shall be exempt from section 26A of chapter 35

of the General Laws. Said project, however, shall be subject to the applicable provisions of sections 44A through 44J, inclusive, of chapter 149 of the General Laws.

The county may contract with one or more designers for the project following a designer selection procedure adopted in writing, prior to publication requesting applications, complying with the purposes and intent of sections 38A½ to 38O, inclusive, of chapter 7 of the General Laws.

The county shall be subject to subsection (d) of section 38H of said chapter 7 of the General Laws, or as an alternative, undertake a value engineering review. A value engineering review shall include a detailed, systematic analysis of a project design, conducted by a knowledgeable and competent designer or multi-disciplinary team of designers to: (i) evaluate program requirements, design concepts, construction techniques, building systems and materials; (ii) review construction cost estimates and calculate estimated life-cycle costs; and (iii) recommend design changes that will produce a more cost-effective project by eliminating or modifying features that add cost to the facility but do not add to its quality, useful life, utility or appearance. The county shall require a value engineering review of the conceptual design following completion of the study and program for the project but prior to the acceptance of the study or program by the county.

(c) For purposes authorized by said subsection (b), notwithstanding the provisions of subsection (d) of section 28 of chapter 35 of the General Laws, the treasurer of said county, with the approval of the county commissioners, may borrow upon the credit of the county such sums as may be necessary, not exceeding in the aggregate \$4,500,000, and may issue bonds or notes of the county therefor which shall bear on their face Plymouth County Land Records Management Facility Act of 2000. The bonds or notes shall be signed by the county treasurer and countersigned by a majority of the county commissioners. The county may annually dedicate revenue received by the registry of deeds in the course of its operations for the purposes of meeting debt obligations payable upon issuance of such bonds or notes. Said revenue will be derived from leased office space to title examiners, from postage and handling fees and from dedicated deeds excise receipts from the registry of deeds. Indebtedness incurred hereunder shall, except as herein provided, be subject to chapter 35 of the General Laws.

(d) No contracts may be entered into for the design, construction, development, financing, management or operation of the project, or any part of the project, without the approval of a majority of the county commissioners.

The county shall contract with an owner's representative, an official or firm designated by the county with appropriate fiscal, construction and procurement experience to serve as the focal point of responsibility and accountability on the project from the study and design phases through the completion of construction of the project. Such responsibilities shall include, but shall not be limited to, coordinating communication among the project participants, monitoring the project budget and schedule, and maintaining a central file for project records. On or before January 1, 2002 said owner's representative shall have obtained certification through the Massachusetts certified public purchasing official program administered by the office of the inspector general. The owner's representative shall be deemed to be a county employee pursuant to chapter 268A with respect to the project.

(e) The county and the registry of deeds shall jointly prepare and file a report of the operations and procedures undertaken by the registry of deeds and the county under the provisions of this act with the clerk of the house and clerk of the senate, who shall forward the

same to the house and senate chairmen of the committees on counties within 60 days after completion of construction.

SECTION 380. (a) Pursuant to section 32 of chapter 184 of the General Laws and notwithstanding the provisions of any other general or special law to the contrary, the commissioner of food and agriculture may release a portion of that agricultural preservation restriction dated March 29, 1982, recorded at Book 7568, Page 179, Worcester County Registry of Deeds, said portion being more particularly bounded and described as follows:- a certain parcel of land of approximately 1.857 acres, located on the northerly side of Woodside Road in Spencer, Worcester County, Massachusetts, shown as "Lot 1" on a plan of land entitled: "Plan of Land in Spencer, Mass., prepared for Roger Keith," By Andrysick Land Surveying, Inc., dated December 1, 1999"; said plan to be recorded in Worcester county registry of deeds; said parcel being more particularly bounded and described on Exhibit A attached which is incorporated by reference.

(b) The above-described land ("Lot 1") to be released, which has located on it a dwelling structure, pool, shed and two barns, is the personal residence of the owner of the entire land subject to the current APR - Roger and Mildred Keith, hereinafter referred to as Owner. In consideration of the release of Lot 1 and the "special permit" authorization described herein, Owner has agreed to, and shall execute a new, current Agricultural Preservation Restriction and an Option to Purchase at Agricultural Value, to be recorded at the Worcester registry of deeds, prohibiting the construction of future dwellings on the remaining APR land and granting the commonwealth an option to purchase of remaining APR land and granting the commonwealth an option to purchase the remaining APR land at agricultural value. The within legislative authorization shall also permit the commissioner to insert in the new APR to be executed by Owner the APR Program's standard "special permit" provisions for nonagricultural purposes. In the event that Owner does not execute the said new, current Agricultural Preservation Restriction and Option to Purchase at Agricultural Value, the existing agricultural preservation restriction shall be reimposed on said released parcel, unless the said restriction is released or discharged by the commonwealth in its entirety in the interim.

(c) Except as partially released by the section, the referenced agricultural preservation restriction shall remain in full force and effect.

SECTION 381. Notwithstanding the provisions of any general or special law or regulation to the contrary, the personnel administrator of the department of personal administration shall classify Francis Garrity, a correctional maintenance worker at MCI-Lancaster, as a permanent employee as defined in section 1 of chapter 31 of the General Laws.

SECTION 382. Notwithstanding the provisions of any general or special law to the contrary, the employees of State Veteran Memorial Cemetery in the town of Agawam shall be exempt from chapter 31 of the General Laws. Further preference in hiring at said cemetery shall be given first to veteran's as defined in section 1 of chapter 115 of the General Laws and second to residents of the former Hampden county.

SECTION 383. Notwithstanding section 28K of chapter 32 of the General Laws or any other general or special law to the contrary, any member of the state employees' retirement system who was employed as a full-time employee representative at the National Association of Government Employees from July 1989 to June 1995 shall be considered as having been on leave of absence, without pay, for the period of his employment as a full-time representative of said organization. Such member may, however, before the date of any retirement allowance became effective for him, pay into the annuity savings fund of said system, in one sum, or in

installments, upon such terms and conditions as the board may prescribe, an amount equal to that which would have been withheld as regular deductions from his regular contributions for such previous period had such service been rendered in service of the commonwealth and had he been a member of said system during the period the service was rendered, plus regular interest thereon.

SECTION 384. The superintendent of state office buildings shall, subject to the approval of the art commission pursuant to section 20 of chapter 6 of the General Laws as to size and content, install a plaque for the Doric Dames on the second floor in the Bulfinch section of the state house. The plaque is to be provided and maintained by the Doric Dames, Inc.

SECTION 385. Notwithstanding any general or special law to the contrary, any electronic answering service in use by a department, board, commission, authority or agency of the commonwealth for the purpose of receiving telephone calls shall present all callers with the option of speaking with a live operator.

SECTION 386. Notwithstanding the provisions of section 17 of this act or the provisions of any general or special law to the contrary, the current members of the public employee retirement administration commission serving upon the effective date of this act shall continue to serve until the expiration of their terms and until the qualification of their successors, but nothing contained in this section shall prohibit current members from reappointment upon the expiration of their respective terms.

SECTION 387. Notwithstanding any general or special law to the contrary, the commissioner of highways, shall prohibit trucks on Needham street in the town of Dedham and shall post on interstate route 95 signs indicating the preferred alternative route as United States route 1 in the town of Dedham.

SECTION 388. Notwithstanding the provisions of any general or special law to the contrary, the personnel administrator shall certify any active employee who served in a civil service position in the town of Brookline as a provisional employee for a period of at least one year immediately prior to January 1, 1999 to permanent civil service status in that position. This section shall not apply to police officers or firefighters.

SECTION 389. Richmond Telephone Company may contract or owe debts or enter into guarantees to a larger amount than one-half of its capital stock actually paid in, but in no event and at no time shall such debt or guarantee exceed \$3,500,000 in the aggregate.

SECTION 390. Notwithstanding any general or special law to the contrary, in order to meet the estimated costs of employee fringe benefits provided by the commonwealth on account of employees of the Massachusetts State College Building Authority and the University of Massachusetts Building Authority, and in order to meet the estimated cost of heat, light, power and other services, if any, to be furnished by the commonwealth to projects of said authorities, the boards of trustees of the state colleges and the University of Massachusetts shall transfer to the general fund from the funds received from the operations of said projects such costs, if any, as shall be incurred by the commonwealth for the aforesaid purposes in the current fiscal year, as determined by the appropriate building authority, verified by the chancellor of higher education and approved by the secretary of administration and finance.

SECTION 391. (a) Upon the request of the board of selectmen in a town, the city council in a plan E city or the mayor in any other city, the department of revenue may recalculate the minimum required local contribution, as defined in section 2 of chapter 70 of the General Laws, in the fiscal year ending June 30, 2001. Based on the criteria outlined in this section, the

department shall recalculate the minimum required local contribution for a municipality's local and regional schools and shall certify the amounts calculated to the department of education.

(b) A city or town that used qualifying revenue amounts in a fiscal year which shall not be available for use in the next fiscal year, or that shall be required to use revenues for extraordinary nonschool-related expenses for which it did not have to use revenues in the preceding fiscal year, or that has an excessive certified municipal revenue growth factor which is also greater than or equal to one and one-half times the state average municipal revenue growth factor, may appeal to the department of revenue not later than October 1, 2000 for an adjustment of its minimum required local contribution and net school spending.

(c) If a claim is determined to be valid, the department of revenue may reduce proportionately the minimum required local contribution amount based on the amount of shortfall in revenue or based on the amount of increase in extraordinary expenditures in the current fiscal year, but no adjustment to the minimum required local contribution on account of an extraordinary expense raised in the budget of the fiscal year ending on June 30, 2001, shall affect the calculation of the minimum required local contribution in subsequent fiscal years. Qualifying revenue amounts shall include, but not be limited to, extraordinary amounts of free cash, overlay surplus and other available funds.

(d) If, upon submission of adequate documentation, the department of revenue determines that the municipality's claim regarding an excessive municipal revenue growth factor is valid, said department shall recalculate such municipal revenue growth factor and the department of education shall use such revised growth factor to calculate preliminary local contribution, minimum required local contribution and any other factor that directly or indirectly uses the municipal revenue growth factor. Any relief granted as a result of an excessive municipal revenue growth factor shall be a permanent reduction in minimum required local contribution.

(e) Upon the request of the board of selectmen in a town, the city council in a plan E city, or the mayor in any other city, in a majority of the member municipalities, a regional school district which used qualifying revenue amounts in a fiscal year that shall not be available for use in the next fiscal year shall appeal to the department of revenue not later than October 1, 2000 for an adjustment to its net school spending requirement. If the claim is determined to be valid, the department of revenue shall reduce the net school spending requirement based on the amount of the shortfall in revenue and reduce the minimum required local contribution of member municipalities accordingly. Qualifying revenue amounts shall include, but not be limited to, extraordinary amounts of excess and deficiency, surplus and uncommitted reserves.

(f) A regional school district which received regional school incentive aid in fiscal year 1995 shall, upon the request of the board of selectmen in a town, the city council in a Plan E city, or the mayor in any other city, in a majority of the member municipalities, appeal to the department of education for an adjustment in the minimum required local contribution of its member municipalities. The department of education may reduce the increased assessment of the member municipalities as a result of the reorganization of the regional school district by using a portion of the regional incentive aid to reduce the prior year local contribution.

(g) If the regional school budget has already been adopted by two-thirds of the member municipalities, then upon a majority vote of the member municipalities, the regional school committee shall adjust the assessments of the member municipalities in accordance with the reduction in minimum required local contributions approved by the department of revenue or the department of education in accordance with the provisions of this section.

(h) Notwithstanding the provisions of clause (14) of section 3 of chapter 214 of the General Laws or any other general or special law to the contrary, the amounts so determined shall be deemed to be the minimum required local contribution described in said chapter 70. The house and senate committees on ways and means and the joint committee on education, arts and humanities shall be notified by the department of revenue and the department of education of the amount of any reduction in the minimum required local contribution amount.

(i) In the event that a city or town has an approved budget that exceeds the recalculated minimum required local contribution and net school spending amounts for its local school system or its recalculated minimum required local contribution to its regional school districts as provided by this section, the local appropriating authority shall determine the extent to which the community shall avail itself of any relief authorized under this section.

(j) The amount of financial assistance due from the commonwealth in fiscal year 2001 under said chapter 70 or any other provision of law shall not be changed on account of any redetermination of the required minimum local contribution under this section.

(k) The department of revenue and the department of education shall issue guidelines for their respective duties under this section.

SECTION 392. Notwithstanding any general or special law to the contrary, Mount Wachusett Community College may borrow an amount not to exceed \$1,200,000 through the Massachusetts health and educational facilities authority for the planning, design and construction of the Robert D. Wetmore Center for Innovation in Design, Technology and Resource Development, so-called, and for a child care facility.

SECTION 393. The department of education shall, subject to appropriation, establish and administer a program to train school personnel in the development of teacher support teams for the implementation of a pre-referral system for those school districts with the highest percentage of school age children identified as children with disabilities, as defined in section 1 of chapter 71B of the General Laws, as compared to other similar schools, and those districts which have a disproportionately high number of limited English proficient students or minority students enrolled in special education programs. The department shall assist the school districts in developing a mechanism for the delivery of appropriate instructional accommodations within the regular education classroom.

SECTION 394. (a) Based on the criteria outlined in this section, upon the request of the board of selectmen in a town, the city council in a plan E city, or the mayor in any other city, the department of education may recalculate the minimum required local contribution for a municipality's local and regional schools, as defined in section 2 of chapter 70 of the General Laws, in the fiscal year ending June 30, 2001.

(b) If the per cent growth in the minimum required local contribution of a municipality between fiscal year 2000 and fiscal year 2001 exceeds 25 per cent, said municipality may appeal to the department of education not later than October 1, 2000 for an adjustment to its minimum required local contribution and net school spending. If a claim is determined to be valid, the department may reduce the minimum required local contribution to a level equal to the prior year minimum required local contribution multiplied by 1.25, or to the lowest level consistent with net school spending equal to the foundation budget for all the districts of which the municipality is a member, whichever is greater. The department shall make adjustments as appropriate for excess debt service consistent with chapter 70 of the General Laws and section 213 of this act.

(c) If the net school spending requirement of a municipality exceeds 200 per cent of its foundation budget, said municipality may appeal to the department of education not later than

October 1, 2000 for an adjustment to its minimum required local contribution and net school spending. The department shall determine whether such unusual spending requirement is a result of identifiable past or present anomalies in the level of required local contribution. If so, the department may reduce the minimum required local contribution by up to the amount by which the required local contribution is inflated due to said past or present anomalies, but in no circumstance shall the net school spending requirement of any district of which the municipality is a member be allowed to drop below the level of the foundation budget. The department shall make adjustments as appropriate for excess debt service consistent with chapter 70 of the General Laws and section 94 of chapter 127 of the acts of 1999.

SECTION 395. Notwithstanding any general or special law to the contrary, the division of medical assistance, in this section called the division, and the division of health care finance and policy shall take any appropriate action to obtain the maximum amount of federal financial participation available for amounts paid to hospitals, determined by the division to be disproportionate share hospitals in accordance with Title XIX requirements, for free care costs of such hospitals. Such appropriate action may include, but shall not be limited to, the assessment on hospitals for their liability to the uncompensated care pool pursuant to chapter 118G of the General Laws. Such appropriate action shall include the establishment or renewal of an interagency agreement between the division and the division of health care finance and policy which may authorize the division to make deposits into and payments from an account established for the purposes of this section within the Uncompensated Care Trust Fund, established by section 18 of said chapter 118G, or authorize the division of health care finance and policy to transfer uncompensated care fee revenue collected from hospitals pursuant to said chapter 118G or funds otherwise made available to said trust fund by the general court, to the division for the purposes of making disproportionate share adjustment payments to hospitals qualifying for such payments in accordance with the commonwealth's Title XIX state plan and relevant provisions of Title XIX of the Social Security Act. The division may expend amounts transferred to it from the Uncompensated Care Trust Fund by the division of health care finance and policy under such interagency agreement without further appropriation. In no event shall the amount of money assessed upon each hospital exceed the hospital's gross liability to the uncompensated care trust fund as determined by the division of health care finance and policy pursuant to said section 18 of said chapter 118G. Any federal funds obtained as a result of actions pursuant to this section shall be deposited in the general fund. The offices of the state treasurer and the comptroller shall establish such procedures as may be necessary to accomplish the purpose of this section, including procedures to facilitate the expeditious assessment, collection and expenditure of funds pursuant to this section.

SECTION 396. Notwithstanding any general or special law to the contrary, the department of mental health, the department of public health, the division of medical assistance and the division of health care finance and policy shall take any appropriate action to obtain the maximum amount of federal financial participation available for amounts paid for low-income care costs at those mental health and public health facilities determined to be disproportionate share hospitals in accordance with requirements of Title XIX of the Social Security Act. Such appropriate action may include, but shall not be limited to, the establishment of a separate account within the Uncompensated Care Trust Fund, established by section 18 of chapter 118G of the General Laws, for the purpose of making disproportionate share adjustment payments to such qualifying mental health and public health facilities pursuant to relevant division of health care finance and policy regulations and the related Title XIX state plan amendment submitted by

the division of medical assistance to the Health Care Financing Administration. The division of medical assistance, the department of public health and the department of mental health may expend amounts transferred to it from such separate account within the Uncompensated Care Trust Fund without further appropriation. Any federal funds obtained as a result of actions taken pursuant to this section shall be deposited in the general fund. The state treasurer and the comptroller shall establish such procedures as may be necessary to accomplish the purpose of this section, including procedures for the proper accounting and expenditure of funds pursuant to this section.

SECTION 397. Notwithstanding any general or special law to the contrary, no provider of podiatric care who is in good standing in his profession and who has been a previously approved provider by the GIC indemnity plan, plus plan, a commonwealth PPO or HMO plan, shall be terminated as a provider from any such plan due to any new requirements for additional training or other new requirements of certification in such profession imposed by any such plan unless said provider has failed to comply with such new requirements after three years of receiving notice of such new requirements from said plans.

SECTION 398. Notwithstanding subsection (c) of section 18 of chapter 118G of the General Laws or any other general or special law to the contrary, in fiscal year 2001, all expenditures for the insurance reimbursement program established pursuant to section 9C of chapter 118E of the General Laws shall be made from the Children's and Seniors' Health Care Assistance Fund established pursuant to section 2FF of chapter 29 of the General Laws. The comptroller shall transfer \$44,000,000 from the Uncompensated Care Trust Fund established by said section 18 of said chapter 118G to said Children's and Seniors' Health Care Assistance Fund. The transfer shall only be made in monthly allotments of not more than one-twelfth of the total amount approved for transfer herein. Federal funds obtained pursuant to such expenditures shall be deposited in said Children's and Seniors' Health Care Assistance Fund.

SECTION 399. Notwithstanding any general or special law to the contrary, federal reimbursements received for administrative expenditures made pursuant to items 1599-0100, 1599-0111, 4000-0300, 4000-0309, 4000-0310, and 4000-0325 of section 2 shall be credited proportionally to the general fund and to the Children's and Seniors' Health Care Assistance Fund established pursuant to section 2FF of chapter 29 of the General Laws in the same percentages as expenditures are made from each such item from said funds; but all federal revenues received pursuant to an enhanced rate of reimbursement authorized pursuant to the provision of Title XXI of the federal Social Security Act shall be credited to said Children's and Seniors' Health Care Assistance Fund.

SECTION 400. The department of public health shall contract with a nonprofit health care policy organization with expertise in improving access to health care, to conduct a survey of health insurance provided to staff of long term care facilities, home health agencies, home care agencies, and personal care attendants and other workers who provide direct health care services. The organization, under the direction of said department, shall conduct a survey of all relevant employees and employers and compile data and information into a report to be submitted with recommendations on improving access to health insurance for health care workers to the general court. The survey and report shall identify the following:

- (a) the average income and family size of health care workers;
- (b) the size of employers and number of employees within each type of facility or agency;

(c) the types of health insurance provided by employers, the cost of the health insurance including expenditures by employers and costs to employees for specific facilities and agencies;

(d) the number of employees who enroll in employer-offered health insurance plans and reasons for not participating in health programs;

(e) the number of employees who are enrolled in state administered health insurance programs;

(f) a list of options and recommendations for increasing access to health insurance for health care workers, including state participation and whether federal contribution would be permitted; and

(g) estimates of the costs to employers, employees and the commonwealth for the health care insurance options, including projected numbers of participants.

The organization shall develop the report and recommendations, in consultation with the Extended Care Federation, the Massachusetts Home Care Association and the Home Health Association of Massachusetts. The organization shall be provided \$100,000 in order to assist in the collection of data and the production of said report. The department shall file said report not later than June 1, 2001 with the senate and house committees on ways and means.

SECTION 401. There is hereby established in, but not subject to the control of the executive office of health and human services, an office of substance abuse services. Said office shall establish policy goals for and effectuate the coordinated delivery of all publicly-funded substance abuse services in the commonwealth. Notwithstanding the provisions of any general or special law to the contrary, upon the establishment of said policy goals, but not later than December 1, 2000, no contract for substance abuse services purchased by a state agency, including contracts then in effect, shall continue to be obligated or encumbered for fiscal year 2001 expenditures unless approved by said office. Any such contract in effect for fiscal year 2001 which does not conform to said policy goals shall be modified to so conform not later than January 31, 2001.

Contracts for the purchase of substance abuse services over which said office shall exercise policy control shall include contracts funded and administered by the departments of public health, mental health, social services, transitional assistance, youth services, and the department of corrections within the executive office of public safety. Substance abuse services purchased by the division of medical assistance shall be reviewed by said office for conformity with said policy goals, but shall not be subject to approval by said office, unless shown to be significantly incompatible with the policy goals established by said office, in which case, said office shall collaborate with the single state agency to ensure that services funded through Title XIX of the Social Security Act integrate medically necessary services with community-based recovery and support services. Each such agency shall cooperate fully with any and all information requests made by said office, including, but not limited to, complete descriptions of consumers targeted, programs funded, funding sources, vendor contract requirements and performance standards, and historical expenditures in the current and former fiscal years.

The office shall be managed by a director who shall be recommended by the secretary of health and human services for appointment by the governor. The director so recommended shall be: (1) knowledgeable about the delivery of substance abuse services in the commonwealth (2) knowledgeable in the multiple treatment models and service delivery options for detoxification, recovery and post-recovery support of substance abusers, (3) familiar with the types and funding of substance abuse services procured by and delivered in the commonwealth; and (4) familiar with commonwealth purchased services procurement and reimbursement practices.

Said aforementioned agencies, including the division of medical assistance, shall enter into interagency service agreements with said office of substance abuse to provide staffing adequate to support the functions of said office, including but not limited to policy goal development, contract oversight, and reimbursement analysis. The amount of such agreements, including any costs of personnel, established by agreements shall be subject to approval by the secretary of health and human services.

The policy goals established by said office shall incorporate, refine and elaborate upon the following broad principles: (1) Substance abuse services should be accessible, to the maximum extent feasible and subject to appropriation, to all families and individuals at the time services are needed; (2) Entry into the service delivery system should not be restricted to medical or other clinical referrals but accessible by family, community or other non-institutional sources; (3) A continuum of services should be developed that allows a seamless transition for substance abusers from acute detoxification support services to post-recovery services, including residential recovery centers and community-based support organizations; (4) Reimbursement for such services shall reflect the reasonable cost of delivering care to individuals in the most appropriate, least restrictive settings; and (5) Third party insurance payors should be encouraged to adopt principles established by said office in order to assure that substance abuse services paid from state and federal funds remain the payor of last resort to make such services available to the uninsured.

A council representing consumers and providers representing the continuum of substance abuse services shall advise said office on the development of said policy goals. The advisory council shall be appointed by and chaired by the secretary of health and human services. The council shall recommend to said office of substance abuse services the refinement and elaboration of principles stated in the preceding paragraph and shall submit its recommendations in a report to be filed with the house and senate committees on ways and means, the joint committee on health care, the joint committee on insurance and the joint committee on human services and elderly affairs not later than February 1, 2001.

SECTION 402. For the purpose of rationalizing the service delivery model for the provision of homeless beds and services, and to ensure that reimbursement for such services are equitable and uniform, the department of transitional assistance is hereby authorized and directed to develop a uniform class rate system for congregate and scattered-site shelter beds and services provided by the department through contracted vendors funded in item 4406-3000 of section 2. Said uniform class rate system shall be implemented in fiscal year 2002.

Said department shall determine standardized rates for each service provided, including, but not limited to, rates for the provision of shelter beds, food, clothing, substance abuse counseling, job training services, job search assistance, case management services, educational services and tracking costs. Said rates shall be not less than \$20.00 per bed per day. Said rate adjustments shall not affect current rates for: (i) substance abuse family shelters; (ii) health care services operated by health care for the homeless; (iii) day programs operated by St. Francis house, project place, federated Dorchester, Hyannis salvation army, and open pantry; and (iv) the homeless intercept program operated by the department of housing and community development. The department shall use such rates to competitively procure all homeless services for congregate and scattered-site homeless beds purchased under item 4406-3000 beginning in fiscal year 2001, but contract awards based on said rates shall not annualize in fiscal year 2002 beyond the amount appropriated for each such item in fiscal year 2001.

Said department shall submit fiscal year 2002 budget recommendations that shall reflect said rates to the house and senate committees on ways on or before February 1, 2001.

SECTION 403. Notwithstanding any general or special law to the contrary, the division of medical assistance shall extend the number of nursing facility bed-hold days to 20 for patients of the facility on medical leaves of absence from the facility receiving benefits under chapter 118E of the General Laws, established in section 284 of chapter 194 of the acts of 1998. The division shall pay to reserve a bed for patients admitted on an inpatient basis to a hospital, as defined by the division's regulations, for up to 20 consecutive days. Reimbursement to nursing facilities for the eleventh through the twentieth bed-hold day, inclusive, shall be paid at the lowest rate established by the division of health care finance and policy for the nursing facility in which the person resides for the rate year in which the medical leave of absence occurs. For the purposes of this section, a "medical leave of absence" shall be defined as an inpatient hospital admission which meets all criteria for Medicare hospital level of care pursuant to the provisions of Title XVIII of the federal Social Security Act, as determined by the federal health care financing administration or its agent.

Nothing in this section shall establish an obligation of the commonwealth or the division of medical assistance to offer extended bed-hold days under the provisions of this section for any medical leave of absence that does not meet the criteria or determinations for medical necessity.

The criteria and standards in effect for bedholds for non-medical leaves of absence shall remain the same as those in effect in fiscal year 2000.

SECTION 404. Notwithstanding the provisions of any general or special law to the contrary, the Division of Medical Assistance is hereby authorized to continue development of the Senior Care Options Demonstration Project, so called, but shall not enter into any contract to establish or implement said demonstration project prior to legislative authorization. Said division shall convene a task force consisting of the chairs of the Joint Committee on Health Care, the chairs of the Joint Committee on Human Services and Elder Affairs, the Secretary of Health and Human Services or his designee, the Secretary of Elder Affairs or his designee, a representative of the American Association of Retired Persons, a representative of the Alzheimer's Association, a representative of Massachusetts Home-Care Association, a representative of Massachusetts Council on Aging, a representative of the Massachusetts Extended Care Federation, a representative of the Home and Health Care Association and Massachusetts Aging. Said task force shall submit a report to the Speaker of the House of Representatives, the President of the Senate and the Chairmen of the Committees on Ways and Means, not later than October 1, 2000, with detailed recommendations for the implementation of said demonstration project.

SECTION 405. The division of health care quality of the department of public health shall develop, in consultation with the nursing home industry and consumer representatives, a confidential consumer satisfaction survey for long-term care facilities. The division shall conduct said survey at least annually and shall survey consumers of each facility as well as family members, guardians or other resident designees. The division may survey a representative sample of residents in each facility selected at random to participate in said survey, but the sample of residents must be of sufficient size to allow for statistically significant comparisons between and among facilities. The division shall allow family members, guardians or other resident designees to assist a surveyed resident in completing said survey and shall prohibit employees and volunteers of such a facility from assisting a resident with or attempting to influence a resident's response to said survey. The division shall survey family members or guardians when a resident is mentally incapable of responding to said survey. In addition to

resident surveys, the division shall survey family members and guardians or other resident designees separately. The division shall ensure that the identities of the survey respondents are kept confidential. The division shall compile the survey results and make the results available in print as well as electronically.

SECTION 406. Notwithstanding any general or special law to the contrary, all enrollees in the pharmacy program and the pharmacy program plus, so-called, as of March 31, 2001 shall be deemed eligible for the catastrophic prescription drug insurance program established in section 46. Beginning April 1, 2001 the department of elder affairs, in consultation with the division of medical assistance, shall transition any and all individuals enrolled in the pharmacy program and the pharmacy program plus, so-called, from said programs to the catastrophic prescription drug insurance program established pursuant to said section 46. Said transition shall be completed by September 30, 2001.

SECTION 407. Notwithstanding the provisions of any general or special law to the contrary, the commissioner of veterans' services may establish a training program for veterans' agents and directors of veterans' services in cities and towns of the commonwealth. The purpose of such training program shall be to maximize federal assistance available for veterans and to assure that such agents and directors receive uniform instruction on providing veterans and dependents with advice relative to procurement of state, federal and local benefits to which they are entitled, including employment, education, health care, retirement and other veterans' benefits. The subject matter of such training program shall include benefits available under chapter 115 of the General Laws and alternative resources, including those which are partially or wholly subsidized by the federal government, such as Medicaid, Supplemental Security Income, and Social Security Disability benefits, as well as federal pension and compensation entitlements. The commissioner shall promulgate regulations for said training program. Upon successful participation by such veterans' agents or directors of veterans' services in such training program, the costs of such training program incurred by the several cities and towns shall be reimbursed by the commonwealth on or before November 10 following the fiscal year in which such costs were paid.

SECTION 408. Notwithstanding any general or special law to the contrary, a retirement board may grant a cost of living adjustment to a former employee of a county, city, town, district or authority or to a spouse or other beneficiary of such an employee who is receiving a noncontributory pension from such governmental unit under the provisions of chapter 32 or under corresponding provisions of earlier laws or any general or special law in an amount equal to a cost of living adjustment granted pursuant to section 103 of chapter 32 of the General Laws for fiscal year 2000 at any time during fiscal year 2001 and such cost of living adjustments shall be retroactive to July 1, 1999, if the legislative body of such governmental unit has accepted the provisions of paragraph (h) of said section 103 of said chapter 32 pursuant to the provisions of said paragraph (h).

SECTION 409. The division of medical assistance and the department of public health shall coordinate services provided to individuals with HIV and AIDS. Such coordination shall include outreach activities, eligibility determinations, intake and enrollment. Said division and said department shall ensure that such identified and eligible clients receive the maximum services available under state law that are most appropriate for their clinical and medical needs. Said division and said department shall maximize federal financial participation for any and all health-related and medical services provided to such individuals by ensuring that all such eligible

individuals with annual incomes at or below 200 per cent of the federal poverty level are enrolled in MassHealth.

SECTION 410. There is hereby established a grant program to be administered by the Corporation for Business Work and Learning, in consultation with the local workforce investment boards and the department of public health, for the development of career ladder programs in long-term care facilities to upgrade skills of certified nurse's aides and entry-level workers in nursing homes, to improve employee retention rates and to improve the quality of care provided in such facilities. Such career ladder programs shall include, but not be limited to, programs that establish a three-level career pathway for certified nurses' aides or that develop employee competencies in specialized areas of care.

Said corporation shall award such grants, subject to appropriation, on a competitive basis to nursing homes or consortiums of nursing homes for the development of career ladder programs, including but not limited to curriculum development, instructors, instructional materials and technical assistance. Said corporation shall establish criteria for the selection of grant recipients to effectuate the purposes of this section. Said corporation shall require, as a condition of receipt of such grants, that each participating nursing home shall: (1) provide at least 50 per cent paid time for employees participating in training or instruction in connection with said career ladder program; (2) assist each participating employee in developing a career advancement plan; (3) increase employee compensation upon successful completion of each stage of the career ladder program; and (4) report quarterly to said corporation on the progress of the career ladder program implemented including, but not limited to, the number of employees served by the grant and their career progression within the long-term care facility and the certificates, degrees or professional status attained.

Said corporation shall develop partnerships with local workforce investment boards, community colleges and other community-based education and training providers and organizations to assist nursing homes and nursing home employees to fulfill training needs, including but not limited to, identifying sources of funding for such training, and to encourage and enhance access to additional and ongoing skill enhancement and career development in long-term care.

SECTION 411. Notwithstanding the provisions of any general or special law to the contrary, the group insurance commission shall conduct an analysis of the cost of administering dental and vision insurance, beginning July 1, 2001, to retirees insured under sections 10, 10B, 10C, 12, and 14 of chapter 32A of the General Laws, and their dependents, including the surviving spouses of such retirees, but the cost of the premium per month for such insurance coverage shall be borne by such retirees and their dependents and surviving spouses without contribution by the commonwealth. Within 90 days after the effective date of this act, the group insurance commission shall contract with a consultant to develop a plan for implementing said benefits, including the necessary costs of administering said benefits. The plan shall include, but not be limited to, a timeline for implementing coverage, the threshold of participation necessary to provide said benefits, the cost of negotiating contracts for said benefits, and premium rate costs.

SECTION 412. Notwithstanding the provisions of section 28K of chapter 32 of the General Laws, or any other general or special law to the contrary, any member of the state teacher's retirement system, established under section 16 of chapter 15 of the General Laws, who was a teacher, as defined in section 1 of said chapter 32, and served as the full-time representative of the Massachusetts Association of School Superintendents, shall be considered

as having been on leave of absence, without pay, for the period of his assignment as a full-time representative of said organization. Such member may, before the date of any retirement allowance become effective for him, pay into the annuity savings fund of said system, in one sum, or in installments, upon such terms and conditions as the board may prescribe, an amount equal to the that which would have been withheld as regular deductions from his regular compensation for such previous period had such service been rendered in service of said city and had he been a member of said system during the period the service was rendered, plus regular interest thereon.

SECTION 413. The department of housing and community development shall administer the federal low-income home energy assistance program in accordance with regulations promulgated under the federal Low-Income Home Energy Assistance Act of 1981, or any amendments or successor acts thereto. The fuel assistance shall be made available to elders and families whose income is not more than 200 per cent of the federal poverty level. The commonwealth shall not be obligated to provide any additional funds for such increase in household eligibility for the federal low-income home energy assistance program pursuant to this section. Resources from the program shall be administered by community action agencies and other appropriate community-based organizations, as determined by the department.

SECTION 414. (a) The commonwealth's education reform initiative demands quality and accountability from students, teachers, schools and school districts. The integrity of the instruments by which the commonwealth measures quality is a cornerstone of accountability. The validity of the Massachusetts Educator Certification Test, a high stakes test intended to measure minimum competency of prospective teachers, has yet to be objectively examined.

(b) The commissioner of education shall select a panel of three experts, not from the commonwealth, from a list of nationally qualified experts in educational and employment testing provided by the National Research Council of the National Academy of Sciences, to perform a study of the validity and reliability of the Massachusetts Educator Certification Test as used in the certification of new teachers, and as used in the elimination of certification approval of teacher preparation programs and institutions to endorse candidates for teacher certification.

(c) The commissioner of education shall enter into a contract on behalf of the department of education, with the selected panel of experts to conduct such a study. The contract shall require that the study be completed not later than February 1, 2001.

(d) The commissioner and the department of education shall assist the panel of experts in obtaining all information, documents or other evidence necessary to conduct the study. To the extent the commissioner and the department of education are unable to obtain any such information, documents or other evidence from any organization, corporation, individual or other entity under contract or agreement with the commonwealth in connection with the development, administration, scoring or validation of the Massachusetts Educator Certification Test, the house or senate committee on post audit and oversight may utilize their power to summons witnesses, administer oaths, take testimony and compel the production of evidence, to facilitate obtaining the necessary information.

SECTION 415. There is hereby established a pilot program to ascertain the benefits to communities of the use of armories maintained by the national guard for after-school and evening youth programs. Said pilot program shall include, but not be limited to, the following aspects: (1) only the armory located in the town of Natick and the armory located in the Dorchester section of the city of Boston shall be used for the program at no charge for such use; (2) municipal officials, school departments, or community-based organizations shall enter into

memoranda of understanding with the national guard regarding the use of said armories; (3) such municipalities, school departments or community-based organizations shall be responsible for the costs associated with staffing the programs; and (4) the national guard shall ensure the security of weapons stored at the armories. The national guard, in cooperation with the appropriate parties to the memoranda of understanding, shall submit a report to the house and senate committees on ways and means not later than February 1, 2001 on the status of said program, and the feasibility and cost of expanding said program to other communities.

SECTION 416. The board of education shall continue in effect and enforce the following regulations in effect on January 1, 1999, promulgated pursuant to chapter 71B of the General Laws: 603 CMR 28.804, regarding transportation of children requiring special education; 603 CMR 28.502.12(g), providing for TEAM determination as the daily duration of a student's program; 603 CMR 28.106, 603 CMR 28.203, 603 CMR 28.208 and 603 CMR 28.209 regarding parent consent and native language; 603 CMR 28.317.2(f), providing parents the right to observe any program for their child; 603 CMR 18.06, 603 CMR 18.07 and 603 CMR 18.08 regarding program and safety requirements for private special education schools; 603 CMR 28.508 regarding facilities for children in need of special education. For the purposes of this section, the term "603 CMR 28.502.4 prototype" as used in said 603 CMR 28.508 shall mean "separate classroom" and the term "603 CMR 28.502.4i prototype" as used in said 603 CMR 28.508 shall mean "separate facility", and 603 CMR section 28.204 regarding waiver of regulatory provisions.

SECTION 417. The board of education shall continue in effect and enforce the following regulations in effect on January 1, 1999, promulgated pursuant to chapter 71B of the General Laws: regulations requiring the Individualized Educational Plan Team to decide the specific placement necessary to meet the unique needs of a child with a disability including, but not limited to 603 CMR 28.322.

SECTION 418. The board of education shall continue in effect and enforce the following regulations in effect on January 1, 1999, promulgated pursuant to chapter 71B of the General Laws: 603 CMR 28.122 regarding definition of parent; 603 CMR 28.319, regarding the 45 school working day time line from the receipt of parents' written consent for evaluation or reevaluation, assessments, team meeting, development of the individualized educational plan, if required, and written notice thereof to parents; and 603 CMR 28.320.3 regarding written evaluations.

SECTION 419. Notwithstanding the provisions of 603 CMR 28.06(3)(e), the department of education shall insure that each child with a disability placed in an unapproved school shall have available to him programs which provide services consistent with state standards and federal law at 20 U.S.C. 1400 et seq. and regulations promulgated pursuant thereto.

SECTION 420. Notwithstanding the provisions of any general law, special law, or regulation to the contrary, a school age child with a disability who requires only a related service or services in order to access the general curriculum shall be protected by the same procedural and substantive rights as any other student with a disability. The board of education shall amend its regulations if necessary to ensure that a school age child with a disability shall include a student who only requires a related service or related services as set forth in section 1 of said chapter 71B as amended by sections 151 and 152 of this act. The department of education shall notify districts of the procedural and substantive protections applicable to a school age child with a disability who requires only a related service or services.

SECTION 421. Notwithstanding the provisions of any general or special law to the contrary, the department of education shall collaborate with the division of local services of the department of revenue to complete audits of city, town and regional school district spending of chapter 70 school aid. Any regulations, guidelines or protocols related to the performance of said audits which are adopted or promulgated separately by said department and said division, shall be compatible and shall identify discrete audit responsibilities for said department and said division for joint audits. Notwithstanding executive order 393 to the contrary, verification of financial and spending data conducted for the purposes of said audits shall be the primary duty and obligation of the division of local services and analysis of district education practices performed for the purposes of said audits shall be the primary duty and obligation of the department of education. Analysis of district education practices shall include, but not be limited to the evaluation of the alignment of curriculum and professional plans with the state curriculum frameworks and assessments as well as a review of the progress of student achievement. For districts with foundation enrollment of 1,000 students or more, said department shall request the assistance of the division of local services to assist in the financial compliance portion of said audits and shall coordinate the assistance of said division. Said division shall collaborate with said department to perform not less than 24 school district audits. For all joint audits, said department shall coordinate the assistance of said division and publish final audit reports. Said reports shall be standardized in structure, organization, approach and subject content. Each such report shall include a study of the impact of unanticipated growth in enrollments and the costs of special education on municipal education budgets, where applicable including, but not limited to, the impact of said costs on other areas of appropriation within the municipal budget. Said department shall make available to said division information collected through its information management system, so-called, to assist in the tracking of individual student data and Massachusetts Comprehensive Assessment System test results. Said reports shall be made available to the house and senate committees on ways and means and the joint committee on education, arts and humanities, upon their completion.

SECTION 422. Notwithstanding the provisions of any general or special law to the contrary, the department of education shall promulgate regulations and guidelines clarifying certification standards for school nurses employed by school committees, municipalities, the department of public health or any other employer, and the department shall notify all superintendents and school nurses of such regulations and guidelines on or before January 1, 2001. The department shall file a report detailing its compliance with this section with the joint committee on education and the house and senate committees on ways and means on or before January 1, 2001.

SECTION 423. As a condition of the continued receipt of funding under items 4401-1000 and 4401-1001 of section 2, the 16 service delivery area administrative entities established pursuant to the Workforce Investment Act of 1998, 29 U.S.C. section 1511, shall submit quarterly reports, in coordination with the Corporation for Business, Work, and Learning, to the department of transitional assistance on the expenditure of the funds from the federal welfare-to-work grant, so-called, in each such service delivery area in order to monitor employment and training services for current and former recipients of the transitional aid to families with dependent children program. Such reports shall include, but not be limited to: (i) the number of individuals served who have exhausted benefits under said program; (ii) the number of individuals served who have incomes below the federal poverty level but have never received benefits under said program; (iii) the number of individuals served who are non-custodial

parents; and (iv) the cost of service per individual served. Such reports shall include the name and social security number or other unique identifier for each individual receiving services under said grant. Such reports shall detail the types of services provided to each such individual, including but not limited to, job search, pre-employment training, post-employment training, mentoring, counseling, substance abuse treatment services and transportation services. Said department shall review such reports to ensure that no duplication of services exists between those provided pursuant to said items 4401-1000 and 4401-1001 and those provided pursuant to said grant. Said department may consider such reports in determining the allocation of funds to service delivery areas under the skills training program, so-called, funded in said items 4401-1000 and 4401-1001.

SECTION 424. The department of education shall identify the ten school districts with the largest percentage of their school budgets deducted for charter school tuition payments pursuant to the provisions of section 89 of chapter 71 of the General Laws. For such districts, the department shall perform a study to simulate separate and distinct foundation budget and net school spending amounts for districts and any charter schools who receive charter tuition payments from such districts.

SECTION 425. Whenever the United States Secretary of Health and Human Services determines, in response to the inquiry authorized in section 426, that the commonwealth may substitute education and training for any or all of the work requirement established by chapter 5 of the acts of 1995 and the Personal Responsibility and Work Opportunity Reconciliation Act of 1996, then, notwithstanding said chapter 5, item 4401-1001 of section 2, or any other general or special law to the contrary, recipients of aid to families with dependent children program may meet 50 per cent of the 20 hour work requirement by participating in a recognized job training or education program approved by the department of transitional assistance; provided, that if a recipient fails to complete said job training or education program, that recipient shall be ineligible to receive any future reduction in his work requirement.

SECTION 426. The commissioner of the department of transitional assistance shall make a formal inquiry of the secretary of the United States department of health and human services with respect to whether the commonwealth may substitute education and training for any or all of the work requirements established pursuant to chapter 5 of the acts of 1995 and the personal responsibility and work opportunity reconciliation act of 1996. Said commissioner shall make such inquiry within ten business days of the passage of this act in order to determine:

(i) whether the chapter 5 waiver, so-called, would need to be amended in order to allow training and education to be substituted for up to ten hours of the 20 hour work requirement allowed by the terms of said waiver without risk of penalties, sanctions or other costs might be incurred if such substitution were implemented;

(ii) how a policy of substituting education and training for said work requirement would affect the ability of the commonwealth to comply, in federal fiscal years 2001 and 2002, with the federally mandated TANF work participation rates, so-called, of 40 per cent and 45 per cent for all families and 90 per cent for two parent families; and

(iii) the types or categories of training and education activities that would qualify under the terms of said waiver for such substitution under the federal regulations adopted April 12, 1999.

In any discussion or correspondence with the federal government regarding the provisions of this paragraph, said department shall include the fact that the Massachusetts

waivers, as continually applied since its approval, includes education, training and community service as work-related activities for the purpose of determining the work participation rate.

SECTION 427. The executive office of health and human services shall review the applications for all state and federally funded programs administered by departments under its jurisdiction, in order to determine the usefulness and feasibility of consolidating all or some of said applications into a single common application and the steps necessary to achieve such consolidation. Said executive office's review of applications shall include, but not be limited to, an assessment of the steps necessary to coordinate and consolidate the data fields common to said applications; an assessment of how the development of a common application can be coordinated with the development of the common client identifier, so called; and an assessment of how the development of a common application can be coordinated with the efforts of said departments to collect and verify income data. Said executive office shall submit a report to the secretary of administration and finance summarizing its findings and recommendations not later than 120 days after the enactment of this act.

SECTION 428. There is hereby established a cardiac care quality advisory commission to develop standards and criteria to be used by the department of public health for the purpose of collecting, monitoring and validating patient specific outcome data from all hospitals in the commonwealth that perform open heart surgery or angioplasty. The commission shall be comprised of the following five members to be appointed by the commissioner of said department: two cardiac surgeons to be appointed in consultation with the Massachusetts chapter of the Society of Thoracic Surgeons, two cardiologists to be appointed in consultation with the Massachusetts chapter of the American College of Cardiology; and one person to be appointed from a graduate school of medicine or public health with expertise in biostatistical data and the collection and validation of clinical outcome data. The members shall elect a chair.

The commission shall consider, among other things, (i) the types of data that should be collected from said hospitals, (ii) the types of outcomes to be reported including operative mortality rates, (iii) the form of reporting such data, (iv) the design and implementation of a system to validating all such data to ensure its accuracy and reliability, (iv) national standards for data collection and validation, and (v) open heart surgery and angioplasty data collection and validation methods used in other states, including the state of New York. The commission shall evaluate methods of obtaining similar such data in order to establish a baseline comparison to be used by said department in evaluating open heart surgery and angioplasty programs conducted at said hospitals. The commission shall prepare a report of its findings and recommendation for the development and methods of financing any such data collection and validation program and shall file a copy of said report with the department of public health, the chairs of the senate and house committees on ways and means and the joint committee on health care no later than March 1, 2001.

SECTION 429. In order to reduce the mortality and morbidity from, improve access to care for underserved populations and prevent the spread of cardiovascular disease, the department of public health shall, subject to the following conditions, approve the development and operation of new open heart surgery pilot programs at not more than seven community hospitals in the commonwealth. The implementation of said programs shall be in phases with no more than three programs to be approved in the first phase and no more than two programs to be approved in any additional phase. There shall be a minimum of three years between each phase. Said department shall, subject to the following conditions, process approvals for three community hospitals in the first phase pursuant to 105 CMR 100.308 of its regulations. Final

approvals on applications in the first phase shall be made no later than July 1, 2001.

Applications in any additional phase shall be subject to a full determination of need approval pursuant section 25C of chapter 111 of the General Laws and shall not be processed pursuant to 105 CMR 100.308. All community hospitals applying to participate in these pilot programs shall demonstrate, to the satisfaction of the department, an ability to conform to the following requirements as a condition of obtaining any approval:

(a) each applicant must have executed a written affiliation agreement, including licensing arrangements consistent with the provisions of this section, for a term of at least five years, in a form satisfactory to said department, with an academic medical center having an accredited primary cardio-thoracic surgery residency program; but no single academic medical center may have affiliation agreements with more than two community hospitals; and, to the extent possible, community hospitals approved in the first phase shall have affiliation agreements with different academic medical centers;

(b) each applicant must be operating a fixed cardiac catheterization lab in accordance with standards established by the department of public health at the time of application;

(c) each applicant must be performing at least 1,000 cardiac catheterization procedures per year or have a projected annual cardiac catheterization volume of 1,000 procedures per year by the end of the third year;

(d) each applicant must have a projected open heart surgery volume of at least 300 procedures per year and a projected open heart surgery volume per surgeon of 100 procedures per year, by the end of the third year;

(e) each applicant must demonstrate an ability to finance any necessary capital improvements and operating expenses for said program;

(f) each applicant must develop programs for cardiovascular disease prevention and health promotion aimed at reducing the incidence of cardiovascular disease; and,

(g) each applicant must comply with clinical standards for program quality developed by the department.

Beginning on July 1, 2001, the department shall require all hospitals in the commonwealth that perform open heart surgery to submit patient specific outcome data and shall develop a process, after consulting with the cardiac care quality advisory commission established in section 428 of this act, for accurately and reliably validating all such data. Beginning on March 1, 2002, and annually thereafter, the department shall conduct an evaluation of all cardiac surgery programs in the commonwealth and shall submit a report of such evaluation to the house and senate committees on ways and means and the joint committee on health care. The review should include a case-by-case analysis of the cardiac procedures delivered at community hospitals, peer review, systematic performance measurement and feedback, specific outcome data as well as an overall review of the quality of the service and the impact of the developing pilot programs on the primary academic medical centers and community hospitals. Based on the results of its annual evaluations of existing and new programs, the department, in its March, 2004 report, shall make a determination of (i) whether open heart surgery programs at the community hospitals included in the first phase of this pilot project have resulted in a material benefit to the public with no countervailing risk to the public health, and (ii) whether additional community cardiac surgery programs would be of material benefit to the health and safety of Massachusetts citizens. Notwithstanding the provisions of this section to the contrary, the department shall proceed with additional expansion of open heart surgery pilot programs beyond

the first phase only upon a finding in said March, 2004, report that further expansion would materially benefit the health and safety of Massachusetts citizens.

Nothing contained in this section shall be construed to limit the authority of the department of public health to take any action authorized by law, against a community hospital obtaining a license hereunder, for failure to comply with any law, rule or regulation.

SECTION 430. The commissioner of education shall prepare a report investigating the utilization of educational collaboratives in the commonwealth by local and regional public school districts and charter schools.

Said report shall include, but not be limited to, the following: the use of collaboratives to provide both in-district and out-of-district special education services to school districts, the use of collaboratives to provide student transportation services to school districts, the use of collaboratives to provide professional development programs to teachers, and the use of collaboratives to provide bulk purchasing and other business services to school districts. Said report shall identify the costs and fiscal benefits of utilizing educational collaborative models. Said report shall identify the participation of school districts in regional collaboratives, identify regions of the state underserved by educational collaboratives; identify administrative, regulatory, and financial barriers that inhibit the expansion of educational collaboratives; and provide recommendations, if any, for the future use and expansion of collaboratives by school districts and charter schools in the commonwealth. Said commissioner shall, on or before January 1, 2001, file said report with the joint committee on education, arts and humanities and the house and senate committees on ways and means.

SECTION 431. The department of education shall conduct a study of and develop specific recommendations on methods to encourage school districts to contain the costs of special education, including but not limited to, incentives to encourage districts to contain such costs that may be implemented in conjunction with the reimbursement program established in section 171 of this act. Said department shall on or before February 1, 2001 submit a report of its study and recommendations to the joint chairmen of the committee on education, arts and humanities and the chairmen of the house and senate committees on ways and means.

SECTION 432. The department of education shall annually, on or before November 1, report to the general court on the implementation of the provisions of this act. Such report shall include a description on the progress made by school districts in implementing the federal standard, cost increases or savings in cities and towns, the degree of success in providing students with special services within the district or the commonwealth, the extent of the development of educational collaboratives to provide necessary services, the increase or decrease of the number of children served, federal non-compliance issues and such other matters as said department deems appropriate. Such report shall be filed with the clerks of the house of representatives and the senate who shall forward the same to the joint committee on education, arts and humanities and the house and senate committees on ways and means. The joint committee on education, arts and humanities shall hold an oversight hearing to review implementation of the provisions of this act, including but not limited to the issues raised in the department's report.

SECTION 433. Notwithstanding any general or special law to the contrary, the departments of mental health and social services, in collaboration with the executive office of health and human services, shall submit a report identifying clinically appropriate service models for those populations of children and adolescents in the care of the commonwealth determined to be most in need of clinical mental health services. The secretary of the executive office of health

and human services and the commissioners of the departments of mental health and social services shall identify disparities in the current service system which require children and adolescents to be served in unnecessarily restrictive or otherwise clinically inappropriate settings. Said report shall include descriptions, including cost analyses, of specific service models dedicated to improving the efficiency and clinical quality of the services provided to difficult-to-serve children and adolescents. Said departments shall identify existing budgetary resources or interagency agreements which could be configured to achieve the goals of serving such children. Said departments shall further identify the adequacy of such budgetary resources to meet the need for such services in all geographic regions of the commonwealth. Said report shall also detail changes during fiscal years 1999 and 2000 in the clinical acuity of children and adolescents in the care of the department of social services, as demonstrated by increased psychiatric hospitalizations and the need to develop more intensive residential programs. Said report shall be filed with the house and senate committees on ways and means not later than January 15, 2001.

SECTION 434. The secretary of the executive office of health and human services shall issue, by November 15, 2000, a report detailing said office's plan for taking into consideration the extra costs of goods, services and housing on Martha's Vineyard and Nantucket for providers and their employees when contracting for services there. Said report shall be filed with the clerks of the house of representatives and the senate on the date of issue.

SECTION 435. The department of education shall submit a report detailing the progress of the following items in section 2 towards the goals of education reform: 7061-9400, 7061-9615, 7061-9620 and 7061-9621. Such report shall include, but not be limited to, a description of the purpose of any grants that are to be used within said items, the names and the amounts of the grants, whether the grants are competitive and whether there is any local match to such grants. Within the description of the purpose of such grants shall be included a statement which identifies the substantive contribution toward the goals of education reform achieved by such grants. The report shall also include performance goals and a completion timeline for each project relating to the items and shall also include a detailed spending plan for the funds appropriated within the items, including but not limited to, funds for the purpose of accounting and posting, printing, contracting and compensation and hardware and software purchases. The report shall be submitted to the house and senate committees on ways and means and the joint committee on education, arts and humanities not later than January 20, 2001.

SECTION 436. The state auditor shall prepare a report on the expenditure of funds from items 2440-2000, 6030-7201, 6030-7211, and 6030-7221 for the removal of snow and ice. The report shall include, but not be limited to, an analysis of the following: (a) the adequacy of current controls on the expenditure of such funds; (b) the appropriateness of departmental standards for the activation of contractors; (c) measures taken to prevent fraud and abuse in the program; and (d) measures taken to control overtime compensation costs.

SECTION 437. In order to ensure the efficient use of the commonwealth's international trade and tourism dollars, the Massachusetts International Trade Council, the Massachusetts Export Center, and the International Trade Assistance Center in the city of Fall River, shall report quarterly to the house and senate committees on ways and means. The reports shall include, but not be limited to: a detailed description of the trade promotion activities of said organizations classified by trade market; expenditures on trade promotion activities, classified by subsidiary and trade market; the number of assistance calls received by said organizations; the number of business assistance calls referred to other agencies by said organizations; the number,

frequency and title of publication requests; a description of all seminars and workshops offered by said organizations; the frequency, date, size and duration of inbound delegations and trade mission activities undertaken by said organizations, including the name and title of each individual, company or organization participating, the activities of such missions and delegations and a description of the performance-based standards established by said organizations for each mission and delegation including, but not limited to, a review of the correlation between expenses and future trade or investment commitments by said delegation or trade mission participants; the projected number, date and size of any planned missions or delegations; and a description of the trade or investment agreements and commitments brokered by said organizations including, but not limited to, the dollar amount, term, participating organizations, estimated job creation and revenues generated from each agreement or commitment for the commonwealth.

SECTION 438. The board of registration in medicine shall report to the legislature on or before January 30, 2001 on its efforts to investigate and discipline physicians who represent a threat to the safety and welfare of the public, and shall establish a plan to eliminate the open case backlog of consumer complaints and statutory reports of physician misconduct and substandard care. The board's report shall examine and make specific recommendations on:

- (1) immediately reducing the backlog of open enforcement cases and prioritizing cases of greatest risk to the public, including complaints containing allegations of sexual misconduct;
- (2) increasing the number of final disciplinary actions;
- (3) identifying the level of resources necessary for the effective operation of the clinical care unit, the disciplinary unit and the consumer protection unit of the enforcement division;
- (4) decreasing the amount of time required to resolve cases;
- (5) maintaining a screening committee to accelerate the case review process;
- (6) modifying and improving the board's complaint intake process and tracking system;
- (7) improving communication with persons who have filed complaints with the board;
- (8) increasing the effective dissemination of final disciplinary actions to the public;
- (9) improving consumer education regarding their rights and procedures for filing a complaint with the board;
- (10) restructuring the composition and membership of the board;
- (11) understanding and utilizing successful investigation and discipline strategies employed by other state medical boards; and
- (12) any other innovations or recommendations the board deems consistent with fulfilling its obligation to investigate and discipline physicians who represent a threat to the safety and welfare of the public.

The board's report shall include: (1) the status of the board's review of all complaints that include allegations of sexual misconduct; (2) the status and number of cases that have been open for more than one year; (3) the status of the board's review of the number of physicians with three or more complaints; (4) the status of the board's review of cases involving law enforcement agencies; (5) the number of emergency suspensions granted by the board; (6) the number of complaints dismissed without the possibility for appeal by the complainant; and (7) such other information as the board deems necessary or appropriate to include in this report.

SECTION 439. The division of health care finance and policy is hereby authorized and directed to evaluate the costs, technological requirements and data reporting needs of requiring hospitals, nursing homes, chronic care and rehabilitation hospitals, other specialty hospitals, clinics, including mental health clinics, all other health care institutions, organizations and corporations licensed or registered by the department of public health and health maintenance organizations as defined in chapter 176G of the General Laws to report appropriate data, including, but not limited to nursing data, such as provider charges for services, measures which

differentiate between severity of patient illness, mortality and morbidity rates, readmission rates; incidence of post-discharge professional care, length of stay; adverse complications, patient/family satisfaction with nursing care and indicators of the nature and amount of care provided by nurses including the average ratio of patients to registered nurses and licensed practical nurses, and unlicensed personnel, patient safety and nursing interventions for defined nursing activities such as pain management, skin integrity management, medication administration, patient education and discharge planning to enable purchasers of group health insurance policies and health care services and for the public at large to make meaningful financial and quality of care comparisons.

(b) The division shall consult with interested parties, including but not limited to the Massachusetts nurses association, a health data conglomerate, the division of health care policy and finance, the division of medical assistance, the board of registration in nursing and the division of insurance in developing methodologies for collecting data pursuant to this section and plans of its use and dissemination.

Information collected by the division pursuant to this section shall be made available in the form of reports derived from raw data and/or through computer-to-computer access. All personal data shall be maintained with the physical safeguards enumerated in said chapter.

The division shall make said report, including any legislation necessary to effectuate its recommendations, to the joint committee on health care and the house and senate committees on ways and means not later than March 1, 2001.

SECTION 440. The public employee retirement administration commission shall perform an actuarial valuation of the commonwealth's pension obligation, known as an experience study, and shall update the valuation of pension system assets, in order to more accurately determine the funded status of said pension system. Said system assets shall be valued at an amount not more than 91 per cent of the market value of said assets as of January 1, 2000 for the purpose of determining said updated funding status. Said commission shall submit in a report the results of said experience study, asset valuation update and updated funding status, to the secretary of administration and finance and the house and senate committees on ways and means not later than November 1, 2000. Notwithstanding the requirements of the triennial pension funding schedule established pursuant to section 22 of chapter 32 of the General Laws, the secretary of administration and finance shall, upon the receipt of said report, prepare an updated pension funding schedule predicated upon said funded status as reported by said commission in said report. Said schedule shall be submitted to the house and senate committees on ways and means not later than December 1, 2000. Said schedule shall consider the first payment, which shall be scheduled for fiscal year 2002, to be the first payment of a new triennial schedule. Said schedule shall incorporate the following assumptions in the development of said new schedule: the final payment of said schedule shall be made in fiscal year 2018; the assumed rate of return on system assets shall be 8.25 per cent; the assumed annual wage increase of public employees shall be 6 per cent; the assumed annual rate of cost of living increases shall be 3 per cent; actuarial assumptions shall be based upon the 1983 group annuity mortality table; said schedule shall incorporate a constant percentage rate of growth for annual payments; to continue to fully implement the use of an actuarial valuation of assets, system assets shall be valued at no more than 91 per cent of market value; and the first payment of said schedule shall equal an amount no less than the payment for fiscal year 2002 according to the schedule currently in place.

SECTION 441. The board of library commissioners, in collaboration with the Massachusetts Corporation for Educational Telecommunications, shall conduct a study on the current usage and demand of technology-related library services of all public libraries in the commonwealth and the costs of extending technology-related library services to all public libraries. Said board shall submit a report that includes, but is not limited to, strategies and recommendations to maximize the use of state funds for the purposes of extending technology-related services to all public libraries in the commonwealth, the projected numbers of computer terminals needed in all public libraries, the costs of operation and maintenance of each computer terminal and the costs of connecting each computer terminal to a centralized network. Said report shall be submitted to the house and senate committees on ways and means not later than December 1, 2000.

SECTION 442. The registrar of motor vehicles is hereby directed to conduct a study of the potential benefits and disadvantages of implementing a fee for the issuance of temporary license plates to be used in the sale of medium and heavy duty commercial vehicles by dealers. Said registrar shall submit a report on the results of said study to the house and senate committees on ways and means and the clerks of the house of representatives and senate no later than September 1, 2000.

SECTION 443. The secretary of environmental affairs, in conjunction with the state comptroller, shall file a report with the house and senate committees on ways and means not later than January 14, 2001. The purpose of said report shall be to examine the structural balances of the budgeted environmental minor funds, so-called. Said report shall include, but not be limited to, the following funds; the Natural Heritage and Endangered Species Fund, the Mosquito and Greenhead Fly Control Fund, the Inland Fisheries and Game Fund, the Environmental Challenge Fund, the Toxics Use Reduction Fund, the Clean Environment Fund, the Environmental Permitting and Compliance Fund, Underground Storage and Petroleum Products Cleanup Fund, the Environmental Law Enforcement Fund, the Public Access Fund, the Harbor and Inland Water Maintenance Fund, the Marine Fisheries Fund, the Watershed Management Fund, the Low Level Radioactive Waste Management Fund, the Asbestos Cost Recovery Fund, the Clean Air Act Compliance Fund, the Solid Waste Disposal Fund, the Second Century Fund and the Safe Drinking Water Act Fund. Said report shall include, but not be limited to, the following:

- (a) the current fund balances of each said fund;
- (b) the enabling statutes for each said fund, including amendments thereto;
- (c) a five year history of spending charged to and revenue credited to each said fund;
- (d) fiscal year 1999 and 2000 expenditures charged to each said fund by line item and amount;
- (e) fiscal year 1999 and 2000 revenues credited to each said fund by revenue source and amount;
- (f) the structure or formula for each fee that supports each revenue source of each said fund, including the current fee, how long the current fee has been in place, the last time the fee was changed and by what amount;
- (g) a comparison of fees charged in other states for similar services or purposes;
- (h) the current amount of outstanding uncollected fees or fines by each fund;
- (i) recommendations for changes in fee structures or formulas to correct structural fund deficits;
- (j) recommendations for consolidation of the environmental minor funds;
- (k) recommendations for reductions in expenditures to correct structural fund deficits;

(l) recommendations to reduce all fund deficits to zero by the fiscal year 2005.

All said recommendations shall hold the General Fund, Local Aid Fund and the Highway Fund harmless and shall include any legislation necessary to effectuate the orderly and cost-effective implementation of the elimination of said structural fund deficits.

SECTION 444. The executive office of administration and finance and the state treasurer are hereby directed, in conjunction with the department of environmental protection and the state revolving fund administration, to examine and report on the status of clean and drinking water state revolving funds to be administered in the fiscal year 2005 and beyond. Said report shall include, but not be limited to, the number of projects ongoing, projected numbers of projects to be undertaken over the next 10 years, the status of the leveraging ratio of the fund, recommendations for changing or maintaining the current leveraging ratio and projections of the commonwealth's contract assistance payments over said time period.

SECTION 445. Notwithstanding the provisions of any general or special law to the contrary, the operational services division shall conduct a study of the effects of appropriations made in items 1599-6895 of section 2 of chapter 151 of the acts of 1996, 1599-6896 of section 2 of chapter 43 of the acts of 1997, 1599-6897 of section 2 of chapter 194 of the acts of 1998, and 1599-6898 of section 2 of chapter 127 of the acts of 1999 to increase the annual compensation of persons employed by private human service providers that deliver human and social services under contract with the executive office of health and human services and the executive office of elder affairs. Said study shall include, but not be limited to, an examination of the effect of said appropriations on the rate of personnel turnover, an analysis of the number of such persons who earned an annual salary of less than \$20,000 in fiscal year 1997 as compared to such persons who earned an annual salary of less than \$20,000 in fiscal year 2000, and an analysis of such persons who earned an annual salary of less than \$30,000 in fiscal year 1997 as compared to such persons who earned an annual salary of less than \$30,000 in fiscal year 2000. Said division shall file a report with the house and senate committees on ways and means and with the clerks of the house of representatives and the senate on or before January 7, 2001.

SECTION 446. On or before December 15, 2001, the Massachusetts commission against discrimination shall complete the investigations and issue determinations of probable cause, or lack thereof, or otherwise resolve all the cases pending before the commission that were filed before June 30, 1998, processing first those cases filed with the commission before January 1, 1997. Said commission shall submit a report to the house and senate committees on ways and means not later than March 1, 2001 on the status of the backlog of cases pending before the commission, identifying those cases that were filed before June 30, 1998 in which the commission has failed to issue determinations of probable cause, or lack thereof, or otherwise resolved and stating the reasons therefor.

SECTION 447. The division of medical assistance shall report, not later than March 2, 2001, to the senate and house committees on ways and means, the joint committee on health care, and the oral health commission, on the impacts of increasing reimbursement rates for dental care. Said report shall detail: (a) the total number of dentists actively participating in the MassHealth dental program as of June 1, 2000 and on February 1, 2001; (b) the number of MassHealth members accessing dental services, per site, each month; (c) a regional breakdown of active MassHealth dental program practice locations; (d) the average number of MassHealth members served at such locations; and, (e) the number of actively participating MassHealth dentists staffed at such locations. Said report shall include, but not be limited to, the number of

dentists projected to participate in said dental program and the number of MassHealth members projected to access said benefit as a result of said rate increase.

SECTION 448. The division of medical assistance shall submit a report to the house and senate committees on ways and means, not later than September 1, 2000, detailing the MassHealth eligibility redetermination process. The report shall include, but not be limited to, an account of the number of outreach workers actively conducting the redetermination process, the average number of redeterminations completed by outreach workers, the number of languages spoken by outreach workers, and a detailed account of the outreach efforts made by said division during said redeterminations to preserve member participation. Said account shall expound upon these efforts, detailing the number of letters sent to said members, number of telephone calls made by said outreach workers and the number of days a member is allowed for non-response prior to being disenrolled from the MassHealth program. Said report shall examine the correlation between linguistic, housing and cultural barriers and the non-return of MassHealth redetermination forms by MassHealth members, and the rate of disenrollment by ethnicity.

SECTION 449. The group insurance commission, in consultation with the public employee retirement association commission, shall study the feasibility and desirability of establishing a fund for the purpose of offsetting future state and local obligations to provide health care for retired employees. The group insurance commission shall, in consultation with an actuary, assess future unfunded health care liabilities of the commonwealth and its municipalities and report on how municipalities have addressed the problem, if at all. The public employee retirement association commission shall provide information related to the use of trust funds to offset unfunded pension liabilities. The study shall be filed with the house and senate committees on ways and means not later than January 1, 2001.

SECTION 450. The division of employment and training, the division of medical assistance and the division of health care finance and policy shall conduct a study to examine the fiscal and policy effects of extending or expanding the benefits available under the medical security plan established pursuant to section 14G of chapter 151A of the General Laws to ensure that unemployed uninsured individuals are receiving benefits from said plan. Said study shall be completed not later than October 1, 2000 and shall be filed with the house and senate committees on ways and means.

SECTION 451. The jury commissioner shall conduct a study of viable alternatives to the annual street list, so-called, and report its findings and recommendations including drafts of legislation necessary to carry out such recommendations with the house and senate clerks and the house and senate committees on ways and means on or before December 31, 2001.

SECTION 452. The secretary of public safety shall submit a plan to the house and senate committee on ways and means detailing the plan of the executive office of public safety for establishing an electronic communication link to improve the tracking of weapons transfers as required by clause fifth of the first paragraph of section 123 of chapter 140 of the General Laws, and the officer's plan for expenditure of funds contained in the Firearms Records Keeping Fund, established by section 2SS of chapter 29 of the General Laws, not later than December 1, 2000.

SECTION 453. Notwithstanding the provisions of any general or special law to the contrary, the department of mental retardation shall submit a report detailing the uses of funds appropriated in item 5911-1103 of section 2 of this act. Said report shall itemize the steps taken by the department in the utilization of the funds appropriated in said item for the goals of assuring oversight of services provided to consumers of the department residing in community settings funded by the department. Said report shall detail the methodology used by the

department to distribute the funds appropriated in said item, including the configuration of personnel and the costs thereof. The department shall submit said report to the house and senate committees on ways and means not later than February 1, 2000.

SECTION 454. The Massachusetts Turnpike Authority shall study the feasibility and cost of implementing a program that allows all vehicles that are part of a funeral procession traveling upon any highway operated by or under the control of the authority to travel via manned toll booth lanes or in the fast lane, so-called, with the use of a temporary transponder without being charged for any toll. Said authority shall submit a report on the results of such study including any recommendations for legislation to the joint committee on transportation and the house and senate committees on ways and means on or before December 1, 2000.

SECTION 455. The board of building regulations and standards, in coordination with the department of fire services and the executive office of public safety, shall submit a report recommending regulations and changes to the General Laws that will provide for a more efficient building, electrical and mechanical permit issuance process, including but not limited to the consolidation of oversight authority in one agency, and which shall take into account consumer protection and safety. Such report shall include recommended changes necessary to consolidate the number of permits required for building improvement and construction. The report shall also include any other suggestions as said board, department and executive office deem necessary to increase the efficiency of said process and to protect public safety. The report shall be submitted to the house and senate committees on ways and means no later than January 31, 2001.

SECTION 456. Notwithstanding any general or special law to the contrary, the secretary of administration and finance shall submit an annual report to the senate committee on ways and means which shall provide a detailed analysis of the dollar amount paid by any of the commonwealth's departments or agencies for the services of individuals who are not considered employees of the commonwealth. The report shall include the names of the organizations or companies for which the individuals work and a detailed summary of the services rendered by the individuals and the said report shall be submitted to the senate committee on ways and means on or before April 1 of each year.

SECTION 457. Notwithstanding any general or special law to the contrary, the office of travel and tourism and the metropolitan district commission, in consultation with the municipalities in the vicinity of the Quabbin Reservoir and the department of environmental protection, the department of environmental management, and the department of fisheries, wildlife and environmental law enforcement, shall jointly study the opportunities to expand recreational facilities and activities in said municipalities. Said study shall: (i) develop a strategy to promote the unique scenic beauty and cultural activities of said municipalities; (ii) delineate opportunities to expand recreational activities within said municipalities; (iii) study methods by which such activities may be expanded without compromising the integrity of the watershed area surrounding the Quabbin Reservoir; and (iv) study the environmental impact, if any, of current recreational and tourism activities in said municipalities on the water quality of said reservoir. Said study, together with recommendations for legislation, if any, shall be submitted to the house and senate committees on ways and means and the joint committee on natural resources and agriculture no later than February 3, 2001.

SECTION 458. The metropolitan district commission, in consultation with the department of environmental protection, shall prepare a report detailing the expected cost of the replacement or repair of sewer systems on property in the town of Sterling owned by the Sterling

Camp Meeting Association. The commission shall submit the report to the joint committee on natural resources and the house and senate committees on ways and means no later than June 1, 2001.

SECTION 459. Notwithstanding the provisions of any general or special law to the contrary, each statewide elected officer shall submit a report to the house and senate committees on ways and means annually on or before April 1 for the prior calendar year for the prior calendar year detailing the expenditures of public funds by each such officer on print or electronic advertising in which the name, voice or image of such officer occurs. The report shall include, but not be limited to, a detailed description of each electronic or print advertisement produced, purchased or sponsored and information on the purchase of air time or print space, specifying the total television air time or print space purchased or delivered and the costs thereof.

SECTION 460. The division of medical assistance shall compile a report containing data on the number of Massachusetts seniors currently receiving health care benefits through the Medicare buy-in program, along with the number of otherwise qualified individuals who are not currently receiving these benefits. The report shall also include information on the average number of qualified seniors enrolled in the buy-in program through the division each year. The report shall be presented to the general court by December 31, 2000, along with recommendations on how the commonwealth can more effectively raise awareness of the buy-in program and make it easier for seniors to apply for benefits.

SECTION 461. Beginning fiscal year 2001, the department of education shall compile data on class size by grade and, where applicable, program and subject matter for each school and school district in the commonwealth. For purposes of this section, "class size", shall be defined as the number of students in a teacher's classroom for which the teacher is responsible and accountable, and shall be distinguished from "pupil-teacher ratio" as currently reported by the department.

SECTION 462. There is hereby established a special commission to report on the workings of the appeals court. Said commission shall consist of the house and senate chairs of the joint committee on the judiciary, the chief justice of the supreme judicial court, the chief justice of the appeals court, the chief justice for administration and management of the trial court, the chief justice of the superior court, a representative of the Massachusetts Bar Association, a representative of the Boston Bar Association and four members of the bar with significant experience in appellate practice to be appointed by the governor, one of whom shall be from southeastern Massachusetts, one of whom shall be from northeastern Massachusetts, one of whom shall be from central Massachusetts, and one of whom shall be from western Massachusetts. The scope of the commission's inquiry shall include, but shall not be limited to: (i) a study the feasibility and desirability of the regionalization of the appeals court, including an analysis of the benefits of regionalization to litigants outside of the metropolitan Boston area and of the additional costs and burdens that would result from regionalization; (ii) an examination of the court's current and anticipated future caseload, including an analysis of the geographical source of appeals court cases and of the effect that regionalization may have on the appeals court's ability to effectively manage its current and anticipated caseloads; (iii) an evaluation of the average time between the filing of an appeal and a final decision; (iv) a study of the efficiency of the court's internal procedures, including its practice of having all justices of the court review all panel opinions; (v) a study of administrative procedures, caseloads and outcomes of similar courts in other states; (vi) an examination of the staffing needs of the appeals court and the extent to which it impacts outcomes; and (vii) an analysis of the impact of regionalization on

staffing issues. The commission shall submit its report to the joint committee on the judiciary and to the house and senate committees on ways and means not later than February 1, 2001.

SECTION 463. There is hereby established a special commission to examine and investigate the effectiveness and impact of chapter 280 of the acts of 1995, as a method of preserving, retaining and creating defense and non-defense manufacturing jobs in the commonwealth, to report its findings, and to make recommendations to promote the preservation, retention, and creation of manufacturing jobs in the commonwealth.

Members of said commission shall be appointed as follows: five house members, one of whom shall be the house chairman of the taxation committee and one of whom shall be appointed by the minority leader of the house of representatives; five senate members, one of whom shall be the senate chairman of the taxation committee and one of whom shall be appointed by the minority leader of the senate; and four non-legislative members, jointly appointed by said speaker and said president, one of whom shall be a representative of organized labor in a defense manufacturing industry, one of whom shall be a representative of organized labor in a non-defense manufacturing industry, one of whom shall be a chief financial officer of a defense manufacturing corporation, and one of whom shall be a chief financial officer of a non-defense manufacturing corporation. Said members shall be appointed no later than September 4, 2000.

The special commission shall, in consultation with the commissioner of the department of revenue, make an investigation and report of its findings, including but not limited to, the impact of the single sales factor method of apportionment upon both the number of and wages of employees preserved, retained and created in defense manufacturing corporations and non-defense manufacturing corporations, a breakdown of the number and wages of exempt, non-exempt and hourly employees of said corporations, the revenue cost of the single-sales factor method of apportionment, the apportionment methods of other states, and the efficacy of the single-sales factor of apportionment as a job preservation, retention and creation strategy for the commonwealth.

Said commission may call upon officials of the commonwealth or its various subdivisions for such information as it may desire in the course of its investigation and study. Said commission shall report to the general court the result of its investigation and study and its recommendations, if any, by the filing of the same with the clerk of the house of representatives and the clerk of the senate on or before March 31, 2001. Said clerk shall forward said report to the house and senate chairmen of the joint committee on taxation.

SECTION 464. There is hereby established a special commission to investigate and study the problem of suicide across the lifespan, to consider innovative and coordinated measures to prevent and reduce the incidence of suicide through prevention and public health policy initiatives and strategies, and shall develop a state plan to reduce the incidence of suicide and self harm.

Said special commission shall consist of 13 members, including: three members of the senate appointed by the senate president, one of whom shall be a member of the committee on health care and one of whom shall be the minority leader or his designee, three members of the house of representatives appointed by the speaker, one of whom shall be a member of the committee on health care, and one of whom shall be the minority leader or his designee, the commissioner of public health or his designee, the commissioner of education or his designee, the commissioner of elder affairs or his designee, the commissioner of mental health or his

designee, the commissioner of public safety or his designee, the commissioner of youth services or his designee and the attorney general or his designee.

Said commission shall be integrated under the auspices of the Massachusetts Violence Prevention Task Force and the Injury Prevention and Control Program of the department of public health.

Said commission shall report to the general court the results of its investigation and study, together with recommendations and drafts of legislation necessary to carry out said recommendations, by filing the same with the clerk of the house of representatives and the clerk of the senate on or before the first Wednesday in November, 2001.

SECTION 465. There is hereby established a special commission to evaluate the status of Massachusetts' veterans long term care services, the need of such veterans for long term care services, and the feasibility of establishing comprehensive long term care services for such veterans. Said study shall include, but not be limited to, an examination of the following factors: (1) an exhaustive analysis of the number of veteran's who may need institutional care and community-based long term care services in the commonwealth; (2) the extent and nature of long term care services currently available to such veterans; (3) an itemized list by location and size of any and all federally owned facilities or spaces that may serve as long term care facilities for such veterans; (4) a detailed evaluation of the number of existing long term care facilities that may provide such services to such veterans, including the number of empty beds, so-called, per facility that may be available for the provision of such services; (5) a cost-benefit analysis of the number of beds required to serve any and all veterans that may not currently have access to such long term care services; (6) the commonwealth's liability for subsidizing any and all long term care services that the commission deems necessary to provide quality care to such veterans; (7) a detailed and actuarially-sound assessment of the costs associated with establishing an independent program of long term care for such veterans who may be in need of long term care in Massachusetts; and (8) the availability of federal financial participation in establishing or expanding long term care services to such veterans.

Said commission shall consist of the secretary of administration and finance, the commissioner of the division of medical assistance, the commissioner of the division of health care finance and policy, the commissioner of the department of public health, the secretary of elder affairs, the commissioner of the department of veterans services, and the commandants of the Chelsea and Holyoke soldier's homes and four persons to be appointed by the governor, one of whom shall be a representative of the extended care federation, one of whom shall be a representative of health care for all, and two of whom shall be citizens who shall represent the interests of such veterans.

Said commission shall file a report on the results of its study, together with recommendations and any legislation necessary to carry out its recommendations with the clerks of the house of representatives and the senate, and the house and senate committees on ways and means, not later than March 25, 2002.

SECTION 466. There is hereby established a Massachusetts commission for adult basic education. The commission shall be comprised of up to 30 members and shall consist of the following: a chairperson, four representatives from the field of adult basic education, two business representatives, two labor representatives from a list of three recommended by the President of the Massachusetts AFL-CIO and one representative from early learning, each appointed by the commissioner of education; one member to be appointed by the governor; one member of the house of representatives, to be appointed by the speaker of the house; one

member of the senate, to be appointed by the president of the senate; and one member shall be appointed by the following: the secretary of administration and finance; the secretary of health and human services; the secretary of elder affairs; the chancellor of the board of higher education; the director of labor and workforce development; the president of the corporation for business, work and learning; the director of the department of employment and training; the commissioner of the department of transitional assistance; the commissioner of the department of public health; the commissioner of the department of mental retardation; the commissioner of the Massachusetts rehabilitation commission; the commissioner of the department of housing and community development; the commissioner of the department of corrections; the commissioner of the board of library commissioners; the director of the office of refugees and immigrants; and the executive director of the Children's Trust Fund.

The Massachusetts commission for adult basic education shall establish a vision and a plan for the future of the ABE service delivery system in which all under-educated and limited English proficient Massachusetts residents have appropriate and convenient access to effective ABE services. The work of the commission shall be staffed and supported by the department of education. The commission shall present recommendations to the board of education for the federal, state and local roles in implementing this plan. The board of education shall present an approved plan to the governor and the general court no later than December, 2001.

SECTION 467. Notwithstanding the provisions of any general or special law to the contrary, the secretary of environmental affairs is hereby authorized to implement the final report and recommendations by the department of environmental management on the citizen advisory committees established in connection with facilities and programs under the purview of the department, dated February 29, 2000; including the standards and procedures regarding advisory committees for the department of environmental management. This implementation shall include, but not be limited to, the following:

(1) establishment of an advisory committee for a given facility or program under the purview of the department of environmental management, as specifically authorized by the commissioner of said department, when deemed to be in the public interest to do so in connection with the performance of the duties and mandate of said department;

(2) the purpose or purposes for which an advisory committee is established shall be specified by the commissioner at the time of establishment or re-establishment of such committee;

(3) the commissioner shall appoint the members of the committee, who shall serve without compensation, and shall select members in order to achieve the following objectives:

(a) provide the committee with the expertise and knowledge to carry out its purposes;

(b) represent the interests of the persons or entities affected by or interested in the issues to be taken up by the committee;

(c) achieve, to the extent possible, diversity representation within the committee, with respect to race, ethnicity, and gender characteristics, as well as to recreational and conservation interests of the users of a given forest or park facility;

(4) for advisory committees that are authorized by the commissioner to convene and deliberate for more than two years, members shall be appointed for staggered terms. Generally, such terms shall be for three years, and members may be appointed for successive terms;

(5) unless specifically authorized by the commissioner, advisory committees shall be established for a period of time not to exceed two years;

(6) advisory committees, once constituted, shall establish, in consultation with said department, a charter approved by the commissioner that provides the following:

- (a) the committee's official designation;
- (b) the committee's objectives and the scope of its activity;
- (c) the period of time necessary for the committee to carry out its purposes;
- (d) the department official to whom the committee reports;
- (e) how the department will provide the necessary support for the committee;
- (f) a description of the duties for which the committee is responsible, and, if such duties are not solely advisory, a specification of the authority for such functions;
- (g) the estimated number and frequency of committee meetings;
- (h) the committee's termination date, if any, if more than two years from the date of the committee's establishment;
- (i) procedures for selection of committee chair and other officers.

Advisory committee meetings shall be open to the public, and timely notice of each meeting shall be published as required in section 11A½ of chapter 30A of the General Laws. Interested parties shall be permitted to attend, appear before, or file statements with any advisory committee, subject to such reasonable rules the chairman of the committee may prescribe. Exceptions to these requirements may be made if carried out in accordance with the provisions of said section 11A½.

Detailed minutes of each meeting of each advisory committee shall be kept and shall contain a record of the persons present, a complete and accurate description of matters discussed and conclusions reached, votes taken, and copies of all reports received, issued or approved by the advisory committee. The accuracy of all minutes shall be certified by the chairman of the advisory committee and submitted to the commissioner.

A designated officer or employee of the department shall attend each meeting of each advisory committee. Absent specific authority from the department to the contrary, no advisory committee shall conduct any meeting in the absence of that officer or employee.

SECTION 468. A special commission shall be established to study the cause and effect on the commonwealth of the consumption and abuse of alcoholic beverages and their consequences and impact in relation to health policy and cost; loss of productivity in employment; cost to the commonwealth in terms of public safety, as based upon judicial and department of corrections involvement, including traffic fatalities and injuries; the increased incidents and awareness of college or young adult binge consumption and alcohol poisoning; and at-risk behavior patterns including, but not limited to, early sexual activity and academic under achievement in youth associated with early alcohol consumption.

The special commission shall consist of 18 members as follows: the secretary of administration and finance or his designee, the secretary of health and human services or his designee, the commissioner of public health or his designee; three members of the senate, three members of the house of representatives, a trial justice to be appointed by the chief justice of the trial court and one member of each of the following organizations to be nominated jointly by the senate president and the speaker of the house of representatives: Associated Industry of Massachusetts, Massachusetts Association of Health Maintenance Organizations, Boston Public Health Commission, Massachusetts Medical Society, Massachusetts Health Policy Forum, Mothers Against Drunk Drivers, the Board of Higher Education, the Distillers Association.

The special commission shall meet, carry out and complete its work by March 1, 2001, reporting to the governor, the senate president, the speaker of the house of representatives, the

chairmen of the senate and house committees on ways and means and the clerks of the senate and house of representatives. The report shall contain recommendations for action including further legislative action.

The special commission shall expend not more than \$25,000 for expenses including, but not limited to, staff, travel, consultants and other related services and may accept in-kind research work and products from appointed members.

SECTION 469. There is hereby established a special commission to consist of the director of the division of registration, as chairman, three members of the senate, one of whom shall be appointed by the minority leader of the senate, three members of the house, one of whom shall be appointed by the minority leader of the house of representatives, the director of the board of registration in medicine or her designee, the commissioner of the department of public health or his designee, a member to be appointed by the Massachusetts Society of Naturopathic Physicians, a member to be appointed by the Massachusetts Medical Society, and a member to be appointed by the Acupuncture Society of Massachusetts, for the purpose of making an investigation and study relative to the utilization and licensing of complementary and alternative medical practitioners in the commonwealth. Said study and investigation shall include at least the following:

- (a) a reasonable identification of the types of complementary and alternative medicine practitioners and therapies available to the citizens of the commonwealth;

- (b) an estimation of the usage of such types of complementary and alternative medicine practitioners and therapies by said citizens;

- (c) an evaluation of the necessity for state licensure of certain complementary and alternative practitioners, including practitioners of naturopathic medicine, as a consumer protection measure;

- (d) a review of naturopathic education and training standards in existence within the United States;

- (e) a review of the scope of practice in those states that license naturopathy;

- (f) a review of standards of conduct, restrictions, and exclusions that might apply to naturopathy; and

- (g) a review of the availability of third party reimbursement for therapies and services delivered by complementary and alternative practitioners in the commonwealth;

Said commission shall solicit public testimony and provide a summary of public comments. Said commission shall report to the general court the results of their investigation and study by filing the same, together with drafts of legislation necessary to carry out its recommendations, with the clerks of the house of representatives and the senate and submitting copies of said results to the chairmen of the joint committee on health care and the house and senate committees on ways and means on or before December 1, 2000.

SECTION 470. There is hereby established a special commission to examine mechanisms for recruiting and training as principals in public schools individuals from other professions who have the skills, experience and talent to be outstanding school principals, but who do not meet the existing statutory and regulatory requirements to serve as principals. The commission shall examine the use of incentives and other methods for recruiting these candidates and for providing the necessary training. The commission shall be chaired by the house and senate chairs of the joint committee on education, arts and humanities. The commission shall also include the commissioner of education or his designee and the chair of the education reform review commission. The commission shall include one individual appointed by

each of the following: the board of higher education, the Massachusetts Association of Schools Superintendents, the Massachusetts Association of School Committees, the Massachusetts Teachers Association, the Massachusetts Federation of Teachers, the Principals' Center at the Harvard Graduate School of Education, the Massachusetts Business Alliance for Education, the Corporation for Business, Work and Learning, the Massachusetts Elementary School Principals' Association's, the Massachusetts Secondary Schools Association, the minority leader of the senate and the minority leader of the house of representatives. The commission shall file its recommendations, including any legislation necessary to carry such recommendations into effect, by filing the same with the clerks of the senate and house of representatives not later than December 31, 2000.

SECTION 471. There shall be established within the department of labor and workforce development a coordinating committee on workforce development for the purposes of coordinating workforce development program goals and maximizing the impact of available resources and operations for fiscal year 2001 and subsequent years. The coordinating committee shall be chaired by the director of said department or his designee and shall be comprised of, but not limited to, the following representatives or their designees: the president of the corporation for business, work and learning, the deputy director of the division of employment and training, the commissioner of the department of education, the chancellor of the board of higher education, one or more community college presidents, one or more state college presidents, the president of the University of Massachusetts, the secretary of health and human services, the director of the department of economic development, the commissioner of the department of transitional assistance, the commissioner of the Massachusetts rehabilitation commission, the commissioner of the Massachusetts commission for the blind, a member representing the Massachusetts association of workforce investment boards, a member of the service delivery area administrators' association and a representative from the attorney general's office. For planning purposes for the Workforce Investment Act of 1998, P.L. 105-220, said committee shall submit a report of activities to the Massachusetts workforce investment board, so called, the secretary of administration and finance and the house and senate committees on ways and means not later than May 15, 2001.

SECTION 472. There is hereby established a special commission for the purpose of studying and making recommendations concerning the use of internet technology. Said commission shall examine, but not be limited to, such areas as enhancing citizen access to government through the internet; protecting citizen's privacy rights on the internet; encryption; addressing internet and computer-based crimes; promoting electronic commerce in the commonwealth; addressing the digital divide, so-called; encouraging research and development in new information technology; restricting unsolicited bulk electronic mail and promoting cyber districts in older urban Brownfield areas.

The commission shall consist of three members of the senate, one of whom shall be appointed by the minority leader of the senate, three members of the house of representatives, one of whom shall be appointed by the minority leader of the house of representatives, the director of the office of consumer affairs or her designee, the director of economic development or his designee, the commissioner of education or his designee, the chairman of the board of higher education or his designee, the attorney general or his designee, the secretary of the executive office of health and human services or his designee, and seven members to be appointed by the governor, including one member of private industry who shall represent internet service providers, two members of private industry who shall represent businesses that engage in

internet commerce, other than internet service providers, three members representing users and internet consumers, and one member who has significant internet and information technology experience.

SECTION 473. The department of revenue shall establish a special study commission to investigate the effects of internet sales and e-commerce on retail businesses in Massachusetts. The commission shall investigate the amount of sales tax revenue avoided through internet sales in the commonwealth, the economic effects of such revenue losses on the commonwealth and the competitive disadvantages at which Massachusetts merchants that collect sales tax are placed as a result of tax-free internet sales. The commission shall recommend strategies and taxation policies to ensure a competitive marketplace among internet sellers and traditional retailers in the commonwealth once the existing federal moratorium on internet taxation expires.

The commission shall consist of 15 members, including three members of the house of representatives, one of whom shall be the house chairman of the joint committee on taxation; three members of the senate, one of whom shall be the senate chairman of the joint committee on taxation; the commissioner of revenue; the state treasurer and receiver general or her designee; and seven members to be appointed by the governor, one of whom shall be a representative of the Retailers Association of Massachusetts, one of whom shall be a representative of the Massachusetts Taxpayers Foundation, two of whom shall be independent merchants each operating at least one retail store in Massachusetts, two of whom shall be representatives from companies engaged in internet sales and e-commerce, and one of whom shall be a representative of a multi-state chain retail operation in the commonwealth.

The commission shall submit its recommendations to the joint committee on taxation and the house and senate committees on ways and means not later than November 15, 2001.

SECTION 474. (a) There is hereby established a special commission to study and report on the formulation of an advisory board to the department of corrections. The commission shall recommend to the general court the composition and mission of a permanent advisory board to the department of corrections.

(b) The commission shall be composed of four senators and four representatives. Three members shall be appointed by the senate president, three members shall be appointed by the speaker of the house, one member shall be appointed by the senate minority leader and one member shall be appointed by the house minority leader. The secretary of public safety, or her designee, and the commissioner of correction, or his designee, shall also serve as members of the commission.

(c) The commission shall report to the general court the results of said study, with a particular focus on the issues of incarcerated mothers, and its recommendations, together with drafts of legislation necessary to implement such recommendations, by filing the same with the clerks of the house of representatives and the senate. The committee shall file its final report on December 1, 2000.

SECTION 475. special commission is hereby established to study the creation of a statewide witness protection program. Said commission shall study all aspects of creating such witness protection program including, but not limited to, the protection currently offered witnesses, the amount currently spent on witness protection, the costs associated with such witness protection program, possible funding methods, the administration of the program and the types of witnesses who shall be given priority consideration for protection. The commission shall consist of the following members: the attorney general or his designee; the chair of the Massachusetts District Attorneys Association or his designee; the senate and house chairs of the

joint committee on criminal justice, who shall act as co-chairs of the commission; three members of the Senate, one of whom shall be appointed by the minority leader; and three members of the house of representatives, one of whom shall be appointed by the minority leader. The commission shall submit a report to the clerks of the senate and the house of representatives not later than December 1, 2000.

SECTION 476. (a) There is hereby established a commission on transportation improvement. Said commission shall consist of 13 members, including the secretary of transportation and construction or his designee who will serve as the chairman of the commission, the chairman of the Massachusetts Turnpike Authority or his designee, the chief information officer of the information technology division, the chairs of the house and senate committees on ways and means, a member of the senate appointed by the minority leader of the senate, a member of the house of representatives appointed by the minority leader of the house of representatives, the chairmen of the joint committee on transportation, and four persons to be appointed by the governor, two of whom shall be representatives of the Massachusetts Association of Regional Planning Agencies and one of whom shall be a representative of the Massachusetts Association of Highway Superintendents.

(b) The commission shall prepare a computerized tracking system of all road and bridge construction projects that receive state or federal funding, including all transportation improvement projects, hereafter referred to as TIP. The tracking system shall not include any projects or costs attributable to municipal reimbursements owed under the chapter 90 program, so-called, the public works and economic development programs, and the costs of administrative or maintenance operations of said department.

The tracking system shall include the following information:

- (1) project title and street and project location;
- (2) type of TIP;
- (3) TIP fiscal year;
- (4) TIP cost estimate;
- (5) percentage of federal funding for the project;
- (6) design and construction status;
- (7) award date;
- (8) notice to proceed date; and
- (9) estimated date of completion.

(c) Said commission shall complete the computerized tracking system not later than 60 days after the appointment of the commission members and not less than three months after the effective date of this act. The system shall be updated by the commission at least once per month.

Said commission, after preparation of the tracking system, shall, not later than three months after the effective date of this act, present the system to the house and senate committees on ways and means. The commission shall report thereafter biannually to said committees on ways and means regarding the status of the tracking system.

SECTION 477. There shall be a special commission to study regulatory obstacles to affordable housing production, including zoning and building regulations that may prevent maximum efficiency in the production of additional affordable housing for the citizens of the commonwealth. The commission shall consist of the following members: the chairs of the joint committee on housing and urban development, who shall co-chair the commission; the chairs of the joint committee on local affairs; a member of the senate appointed by the minority leader of

the senate; a member of the house of representatives appointed by the minority leader of the house of representatives; the secretary of administration and finance or his designee; the director of housing and community development or her designee; and one representative appointed by each of the following organizations: the Massachusetts Association of Realtors, the Greater Boston Real Estate Board, the Home Builders Association of Massachusetts, Inc., the Massachusetts Municipal Association, the Massachusetts Federation of Planning and Appeals Boards, the Massachusetts Audubon Society, the Environmental League of Massachusetts, the Massachusetts chapter of the National Association of Housing and Redevelopment Officials, the Citizens' Housing and Planning Association, Inc., the Massachusetts Affordable Housing Alliance, the Massachusetts Association of Community Development Corporations, the Massachusetts Housing and Shelter Alliance, and the Greater Boston Interfaith Organization. The commission shall file a report containing its recommendations, including drafts of any legislation, not later than January 31, 2001, with the clerks of the senate and house of representatives.

SECTION 478. There is hereby established a special commission to study the rules, regulations, operations and laws relating to the system of automobile insurance in the commonwealth. The special commission shall not study issues related to property damage automobile insurance coverages.

The commission shall be chaired jointly by the house and senate chairpersons of the joint committee on insurance or their designees, and shall consist of the following: two members of the house of representatives, to be appointed by the speaker of the house, one member of the house of representatives, to be appointed by the house minority leader, two members of the senate to be appointed by the senate president, one member of the senate to be appointed by the senate minority leader, the attorney general or his designee, one of whom shall be the registrar of motor vehicles, or his designee, and six persons to be appointed by the governor, one of whom shall be a member of the commonwealth Automobile Insurers, one of whom shall be a member of the Domestic Automobile Insurers, one of whom shall be a member of the Massachusetts Academy of Trial Attorneys, one of whom shall be a member of Masspirg, one of whom shall be a member from the Massachusetts Association of Insurance Agents, and one of whom shall be a member from the Automobile Insurers Bureau and three people who represent the consumers.

Said commission shall study the equality and efficiency of the present system of automobile insurance in the commonwealth. Said study shall include, but not be limited to, the following issues: (i) the efficiency of the existing Safe Driver Insurance Plan, including, but not limited to, the six-year experience period, so-called; the minor at-fault accident threshold, so-called; the clean slate rule, so called; and antiquated traffic law violations; (ii) the feasibility of moving the commonwealth from the present automobile insurance system to a competitive system; (iii) the accuracy and fairness of the territory rating system; (iv) the elimination of the present option of self-only coverage or passenger coverage; (v) the establishment of the combination plate; (vi) the impact of the present minimum insurance requirements on the uninsured driving population and the impact of eliminating the personal injury protection threshold; (vii) a choice/no-fault automobile insurance system.

The commission shall submit the results of said study, along with drafts of legislation and a plan for the implementation of any recommendations to the house and senate committees on ways and means, the clerk of the house of representatives, the clerk of the senate, and the joint committee on insurance not later than six months after this section takes effect.

SECTION 479. There shall be a special commission to study the service needs of

individuals with physical disabilities throughout the commonwealth for the purpose of identifying unserved and underserved populations, unmet disability related service needs, facilitating access to services, facilitate access to employment, eliminating duplication of programmatic efforts and achieving efficiencies in service delivery through cooperation and collaboration of state human service agencies and non-profit human service provider organizations. The commission shall consist of the following members: the chairmen of legislative joint committee on human services and elder affairs, who shall co-chair the committee; the chairmen of the legislative joint committee on health care; two representatives of consumer organizations representing the interests of individuals with disabilities, to be appointed by the chairs of the commission; the secretary of the executive office of health and human services, or his designee; the president of the Massachusetts Council of Human Service Providers, or her designee; the commissioners of the departments of mental health, public health, and mental retardation, or their designees; the commissioners of the commissions for rehabilitation; the blind, and the deaf and hard of hearing, or their designees. The commission shall file a report containing its recommendations, including drafts of any legislation, not later than January 31, 2001, with the clerks of the senate and house of representatives.

SECTION 480. There is hereby established a commission to study the provision of end of life care services. Said commission shall consist of 15 members as follows: three members of the senate; one of whom shall be the minority leader or his designee; three members of the house of representatives; one of whom shall be the minority leader or his designee, the commissioner of public health, the secretary of elder affairs, the commissioner of medical assistance, the commissioner of the division of insurance and three persons appointed by the special subcommittee on end of life care as established through executive order, one of whom shall be a designee from the Hospice Federation of Massachusetts, one of whom shall be a designee from the Massachusetts Medical Society, and one of whom shall be a designee from the Massachusetts Bar Association.

Members shall serve for terms of three years. Appointments shall be made not later than November 30, 2000. Vacancies in the membership of the commission shall be filled by the original appointing committee for the balance of the unexpired term. A chairperson shall be appointed by the governor. Members of the commission shall receive no compensation for their services, but shall be reimbursed for any authorized usual and customary expenses incurred in the performance of their duties.

The commission shall be permitted: (i) to use such voluntary and uncompensated services of private individuals, agencies and organizations as may from time to time be offered and needed; (ii) to make policy recommendations to agencies and officers of the state and local subdivisions of government to improve end of life care; and (iii) to hold regular, public meetings and to hold fact-finding hearings and other public forums as it may deem necessary. The commission shall prepare a report detailing current end of life services and recommending improvements and expansions to said services. Said report shall be filed on or before March 1, 2001 with the house and senate committees on ways and means.

The initial members of the commission shall be appointed for the following terms: (a) the governor shall appoint two members for a term of one year, two members for a term of two years and one member for a term of three years; (b) one member of the senate for a term of one year, one member for a term of two years and one member for a term of three years; (c) one member of the house of representatives for a term of one year, one member for a term of two years and one member for a term of three years; (d) the subcommittee on end of life care

shall appoint two members for a term of one year, one member for a term of two years and one member for a term of three years.

SECTION 481. There is hereby established a special commission to evaluate whether regulatory and licensure requirements required in the contracting of state-funded human services and social services programs may be duplicative, inefficient or unnecessarily costly. Said commission shall contract with an independent auditor to assist in said evaluation to quantify the fiscal impact, if any, of the current regulatory and licensure system.

Said special commission shall consist of 19 members, including: three members of the house of representatives, one of whom shall be the house chair of the joint committee on human services and elderly affairs; and one of whom shall be appointed by the minority leader of the house of representatives; three members of the senate, one of whom shall be the senate chair of the joint committee on human services and elderly affairs; and one of whom shall be appointed by the minority leader of the senate; the secretary of administration and finance or his designee; the secretary of health and human services, or his designee; two representatives from the human service providers community; and two individuals representing consumers of such services. One representative each from the departments of mental health, public health, mental retardation, social services, medical assistance, youth services and the office of child care services shall serve ex-officio on said commission. Said commission shall be co-chaired by a member of the house and a member of the senate to be appointed respectively by the speaker of the house and the president of the senate.

Said commission shall hear testimony from providers of social services and human services relative to concerns that regulatory and licensure requirements of state agencies may create for providers of human services and social services. Said commission shall seek to inventory and calculate the cost to providers of such requirements, including the cost to providers and the commonwealth of monitoring, evaluating, enforcing and overseeing said requirements. Said commission shall seek to evaluate the extent to which said requirements may be duplicated across state agencies, and the reasons, if any, therefor. Said commission shall seek to evaluate the extent to which area offices within a state agency establishes conflicting, duplicative or unnecessary licensure and regulatory requirements. Areas of focus for the commission to consider may include, but need not be limited to, licensing processes, citizen monitoring and participation requirements, medication administration, utilization review, performance review, and human rights.

Said commission shall inventory which external accreditation organizations are available to substitute for state licensure and regulatory functions and shall evaluate the cost-effectiveness and effects on consumer protection of relying upon deemed licensure and accreditation by such external organizations.

Said commission shall inventory the reporting requirements imposed upon providers, the number of reports requiring substantially the same data, the cost to providers of generating and distributing such reports, and the purposes and uses to which such reports were put in fiscal years 1998 and 1999. Said commission shall further evaluate the degree of standardization of interpretation of federal and state laws and regulations between executive office of health and human services agencies and within the department of mental health.

Said commission shall evaluate the independent auditor's report and shall collect additional information as it deems appropriate and shall conclude said evaluation on or before December 4, 2000 by filing the results thereof with the clerks of the house and senate, the house and senate committees on ways and means and the joint committee on health and human

services. Said report shall include recommendations for enhancing efficiencies and reducing administrative costs of the service delivery system for state agencies and providers. The commission shall also make recommendations relative to the introduction of a system whereby appropriate departments are to become the repositories of certain data, including recommendations for the means by which such data would be made available to any person or agency seeking information.

SECTION 482. There is hereby established a special commission to study and report on the current and potential resource needs of cancer research in the commonwealth. Said study shall consider funding options available for such research, including, but not limited to, use of the Health Care Security Trust and interest earned thereon. Said commission shall inventory the amounts and sources of funding for existing cancer research programs conducted by public and private research laboratories, academic medical centers, medical schools and schools of public health throughout the commonwealth and the current and future status of such public and private funding, including funds made available by national institutes, other federal agencies, foundations, commercial entities, pharmaceutical firms and other sources. Said commission shall review federal protocols for awarding research grants and make recommendations relative to the commonwealth's adoption of comparable protocols that take into consideration the viability of research projects seeking state-supported funding, the potential impact of such funding on the health of the citizenry, any multi-year commitments such funding may create for the commonwealth, and criteria to maximize the benefits of such research funding and avoid funding that duplicates similar research projects conducted in the commonwealth.

The commission shall consist of: three members of the senate, two of whom shall be appointed by the president of the senate and one of whom shall be appointed by the minority leader of the senate; three members of the house of representatives, two of whom shall be appointed by the speaker of the house of representatives and one of whom shall be appointed by the minority leader of the house of representatives; one representative to be appointed by the attorney general two representatives to be appointed by the commissioner of public health; and one representative to be appointed by the governor from the recommendation made by each of the following institutions: the Dana-Farber Cancer Institute, the University of Massachusetts Medical School, the Boston University School of Medicine, the Tufts University School of Medicine and the Harvard Medical School.

In conducting its study, the commission may request the assistance of officials and agencies of the commonwealth, or its various subdivisions. The commission shall file a report of its study, including its recommendations and drafts of any legislation, if necessary, not later than February 28, 2001, with the clerks of the senate and the house of representatives.

SECTION 483. There is hereby established a special commission to consist of four members of the senate appointed by the president of the senate, one of whom shall be the senate chairman of the joint committee on insurance and one of whom shall be the chairman of the joint committee on education arts and humanities, one member of the senate appointed by the minority leader of the senate, four members of the house of representatives appointed by the speaker of the house of representatives, one of whom shall be the house chairman of the joint committee on insurance and one of whom shall be the house chairman of the joint committee on education, arts and humanities, one member of the house of representatives appointed by the minority leader of the house of representatives, the commissioner of administration and finance, who shall serve as chairman, the commissioner of education, the commissioner of insurance and five persons to be appointed by the governor, two of whom shall be special education

administrators, one of whom shall be a representative of a health maintenance organization and one of whom shall be a representative of an insurance company and one of whom shall be selected from names jointly submitted by the Massachusetts Association of Parent Advisory Councils, the Federation for Children with Special Needs, the Disability Law Center and the Massachusetts Advocacy Center for the purpose of making an investigation and study relative to the effect that the coverage provided by individual insurance policies has on the increased cost of special education and whether the reduction of covered services has caused cost shifting of these services to school districts. The commission shall report the results of its investigation and study and its recommendations, if any, together with drafts of legislation necessary to carry its recommendations into effect by filing the same with the clerk of the house of representatives on or before January 1, 2001.

SECTION 484. Sections 51, 52, 79, 83, 84, 85, 86, 92 and 93 of this act shall apply to all retired members who have been retired for disability pursuant to section 6, 7, or 26 of chapter 32 of the General Laws, who, upon return to active service, would so return in the position of a sworn member of the department of state police, and who have not been fully reinstated as a sworn member of the department of the state police as of the effective date of this act.

SECTION 485. Section 81 of this act shall take effect as of April 8, 1993.

SECTION 486. The provisions of section 89 shall be effective for any applications filed subsequent to February 1, 2000.

SECTION 487. Sections 109, 110, 111, 112 and 113 shall apply to the spouses of veterans who died before or after the effective date of this act, but shall apply only to taxes assessed beginning on or after July 1, 2000.

SECTION 488. Sections 114 and 119 shall be effective for tax years beginning on or after January 1, 2001.

SECTION 489. Sections 10, 11, 103, 130, 134, 150, 151, 153, 155, 156, 160, 162, 166, 170, 175, 176, 178, 180, 181, 182, 183 and 251 shall take effect on January 1, 2001.

SECTION 490. Section 252 shall take effect on July 1, 2001.

SECTION 491. Section 216 of chapter 112 of the General Laws shall take effect on September 1, 2001.

SECTION 492. Section 54 of this act shall take effect on September 30, 2001.

SECTION 493. Sections 149, 152, 154, 163 and 167 shall take effect January 1, 2002.

SECTION 494. Sections 143 and 171 shall take effect on July 1, 2002.

SECTION 495. Section 40 shall take effect on June 30, 2003.

SECTION 496. Section 144 shall take effect on July 1, 2004.

SECTION 497. Section 47 shall take effect on December 31, 2005.

SECTION 498. Except as otherwise provided, this act shall take effect on July 1, 2000.